



Agenda

Meeting: **Licensing Sub-Committee**
Date: **26 June 2023**
Time: **10.00 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To all members of the Licensing Sub Committee**

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.

Please note there will be 37 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.

1. **Election of Chairman for the meeting**
2. **Apologies of absence**
3. **Declarations of interest (Pages 3 - 4)**

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

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 yellow form and return it to the Committee Administrator at the meeting.

5. **An application to Vary the Premises Licence in respect of: The Portland Hotel & Skuba Bar, 2-4 Langhorne Gardens, Folkestone, Kent, CT20 2EA (Pages 5 - 32)**

This report outlines the application made by The Portland Hotel & Skuba Bar to Vary the existing Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

6. **An application for a Premises Licence in respect of: Shanghai Inn, 27 Tontine Street, Folkestone, CT20 1JT (Pages 33 - 50)**

This report outlines the application made by Ngoc Pham for a Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

7. **Exclusion of Public**

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.’

8. **Review of Dual Driver licence - THIS CASE HAS BEEN DEFERRED (Pages 51 - 84)**

This report considers whether any action should be taken against a Dual Driver licence, considering that the driver has undertaken high mileage after the vehicle had failed compliance.

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.

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This report will be made public on 16/06/2023



Report Number **DCL/23/07**

To: Licensing Sub-Committee
Date: 26 June 2023
Status: Non-Executive Decision
Responsible officer: Ewan Green - Director of Place

SUBJECT: An application to Vary the Premises Licence in respect of: The Portland Hotel & Skuba Bar, 2-4 Langhorne Gardens, Folkestone, Kent, CT20 2EA

SUMMARY: This report outlines the application made by The Portland Hotel & Skuba Bar 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
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 The Portland Hotel & Skuba Bar has held a licence with Folkestone & Hythe District Council since the Licensing Act 2003 came into effect in 2005.
- 1.3 The licence granted was for:
- **Supply of Alcohol on & off sales** – Sunday-Thursday 10:00 – 00:00
Friday-Saturday 10:00 – 01:00
 - **Live music** –Tuesday - Saturday 11:00 – 23:00 Sunday 11:00 – 22:30
 - **Recorded music** – Sunday-Thursday 10:00 – 00:00 Friday-Saturday 10:00 – 01:00
 - **Opening hours** – Sunday-Thursday 10:00 – 00:30 Friday-Saturday 10:00 – 01:30
- 1.4 The current Premises Licence can be seen at Appendix 1.
- 1.5 The current owner, Kimberley Huxley, took over the premises in July 2018. The current licence covers the interior of the premises but not the garden area.

2. APPLICATION

- 1.1. On the 19th April 2023, Kimberley Huxley submitted an application to vary the premises licence. This variation was to allow them to play live music in the garden area on Sundays only, from 16:00 – 21:00. The variation also updates the Operating Schedule in line with recommendations from Kent Police.
- 1.2. The application to vary the premises licence can be seen at Appendix 2.

1. RELEVANT REPRESENTATIONS

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

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

Kent Police have not objected but have requested a more detailed Operating Schedule be applied and the applicant has agreed to add these to the application. These can be seen at Appendix 3.

The representations can be found at Appendix 4.

2. OPTIONS

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

- a) Grant the application to vary the licence
- b) Grant the application with amendments
- c) Add conditions to the licence that are relevant to the variation
- d) Reject whole or part of the application

- 1.1. 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.

1. 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.

2. APPENDICES

- Appendix 1. Current licence
- Appendix 2. Application to vary a premises licence
- Appendix 3. New operating schedule
- Appendix 4. Representations

Premise Licence

Part A



Premises Licence Number: SHEP00037/05

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

Part 1 – Premise Details

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

Portland Hotel & Skuba Bar
2-4 Langhorne Gardens
Folkestone
Kent
CT20 2EA

WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 20th December 2012 Transfer: 03/07/2018 Vary DPS: 03/07/2018

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales On & Off
Live Music
Recorded Music

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

	Alcohol Sales On & Off	Live Music	Recorded Music
Monday	10:00 00:00	11:00 23:00	10:00 00:00
Tuesday	10:00 00:00	11:00 23:00	10:00 00:00
Wednesday	10:00 00:00	11:00 23:00	10:00 00:00
Thursday	10:00 00:00	11:00 23:00	10:00 00:00
Friday	10:00 01:00	11:00 23:00	10:00 01:00
Saturday	10:00 01:00	11:00 23:00	10:00 01:00
Sunday	10:00 00:00	11:00 22:30	10:00 00:00

NON_STANDARD TIMES (IF ANY)

Alcohol Sales on & off -Bank Holiday Sundays to 01:30 & New Years Eve until 05:00 on New Years Day
Recorded Music - Bank Holiday Sundays until 01:00 & New Years Eve until 05:00

THE OPENING HOURS OF THE PREMISES (IF GIVEN)

Monday	10:00 00:30
Tuesday	10:00 00:30
Wednesday	10:00 00:30
Thursday	10:00 00:30
Friday	10:00 01:30
Saturday	10:00 01:30
Sunday	10:00 00:30

NON_STANDARD TIMES (IF ANY)

Bank Holiday Sundays to 01:30 & New Years Eve until 06:00 on New Years Day

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

ON & OFF

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

Miss Kimberley Jane Huxley
Westward Ho Hotel
13 Clifton Crescent
Folkestone
Kent
CT20 2EL

Telephone: 07985525995

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

Miss Kimberley Jane Huxley
Westward Ho Hotel
13 Clifton Crescent
Folkestone
Kent
CT20 2EL

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 / NUMBER: Epping Forest District Council – LN/000003272

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: 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

To meet all licensing objectives

External speakers not to be used

- All doors & windows are to remain closed during the period that the entertainment is taking place
- Noise from music or patrons must not be audible at the boundary of the nearby residents properties

Conditions 06/2018 -

CCTV to be fitted and must provide good quality images, be capable of visually confirming the nature of the crime committed with all public areas, including all access and egress points covered. This is also to include any exit doors, alleyways or any other areas used for the ejection of customers. Lighting inside and out must be of sufficient brightness to compliment the quality of the camera images.

The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.

CCTV shall be operational at all times that members of the public and/or staff are on the premise.

Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.

The Police and Local Authority will be provided with a recording by way of USB, CD Rom or any other means of the image, immediately upon request.

Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of police or local authority.

All staff will be fully trained in their responsibilities under the Licensing Act and the training will be fully auditable and available to any responsible authority on request.

The premises will complete and retain an incident book that will be made available to police and local authority upon request. The book will be a bound book with no loose leaves and detail time, date, location, a precis description of the incident, details of police officers attending, known injuries, name (if known) / description of persons involved.

In addition to the above, can licensable activities further include alcohol sales off premises to mirror alcohol sales on premises. The premises has been operating by allowing customers to consume alcoholic drinks within the garden and external area of the premises. Off sales will ensure compliance following recent guidance.

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

Hearing Crime & Disorder - as per Operating Schedule: employment of SIA registered door staff if necessary & use of CCTV if necessary, regular checks of all areas by staff
25 July 2005

Hearing Protection of Children from Harm - as per Operating Schedule: children will not be permitted into bar area & only allowed in garden area if accompanied by a responsible adult
25 July 2005

Hearing Prevention of Public Nuisance - as per Operating Schedule: signage requesting patrons to leave quietly, monitoring of noise levels (use of noise limiter if required), particularly in garden area & at closing time, sound proofing of building, improving ventilation
25 July 2005

Hearing Public Safety - as per Operating Schedule: all areas to be kept clear of debris, safety glassware to be used when appropriate, staff trained in Fire Safety, signage for potential hazards
25 July 2005

Annex 4 - Plans

As at application date held on file

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Folkestone & Hythe District Council

(Page 1 /22)

Details of the person applying to vary a premises licence under section 34 of the licensing act 2003

Full name

Kimberley Huxley

Email

jon.huxley@portlandhotel.co.uk

Contact number

01303251444

Details of premises (Page 2 /22)

Premises licence number (If you don't know this reference number you can enter the premises details and search for it here)

LC202101-1665

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

Portland Hotel & Skuba Bar 2-4 Langhorne Gardens Folkestone CT20 2EA

Variation (Page 3 /22)

Date on which you want the variation to take effect if approved

31/03/2023

Proposed variation (Page 4 /22)

Details of the proposed variation

Live bands outside on Sundays between 4-9pm

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.

Operating schedule (Page 5 /22)

Select all options that would be subject to change if the application to vary is successful

Folkestone & Hythe District Council

Provision of regulated entertainment - please tick as appropriate

- Live music

Live music - standard days and timings (Page 10 /22)

Will the performance of live music take place

Outdoors

	Start	Finish
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday	4pm	9pm

Details

State any seasonal variations for the performance of live music

Enter details where you intend to use the premises for the performance of live music at different times from those listed above

(Page 16 /22)

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

None

Hours premises are open to the public - standard days and timings (Page 17 /22)

	Start	Finish
Monday	10:00	00:30
Tuesday	10:00	00:30
Wednesday	10:00	00:30
Friday	10:00	01:30
Saturday	10:00	01:30

Folkestone & Hythe District Council

Sunday	10:00	00:30
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State any seasonal variations

Enter details where you intend to use the premises to be open to the public at different times from those listed above

.....

(Page 18 /22)

Identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking

.....

(Page 19 /22)

Upload the relevant documents

Are you able to upload a copy of the premises licence or relevant part of the licence?

Yes

Premises licence

Premise Licence 3 Pages.jpg

Relevant part of the premises licence

.....

Describe any additional steps you intend to take to promote the four licensing objectives: (Page 20 /22)

General

We will achieve the licensing objectives using the same methods we use for all our existing activities.

The prevention of crime and disorder

We will achieve the licensing objectives using the same methods we use for all our existing activities.

Public safety

We will achieve the licensing objectives using the same methods we use for all our existing activities.

The prevention of public nuisance

We will achieve the licensing objectives using the same methods we use for all our existing activities.

The protection of children from harm

We will achieve the licensing objectives using the same methods we use for all our

Folkestone & Hythe District Council

existing activities.

Checklist / Declarations (Page 21 /22)

- I / We will send copies of this application and the plan to responsible authorities.
 - I / We understand that I must now advertise my application.
 - I / We have uploaded the club premises certificate or relevant part of it or explanation
 - I / We 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. (Page 22 /22)

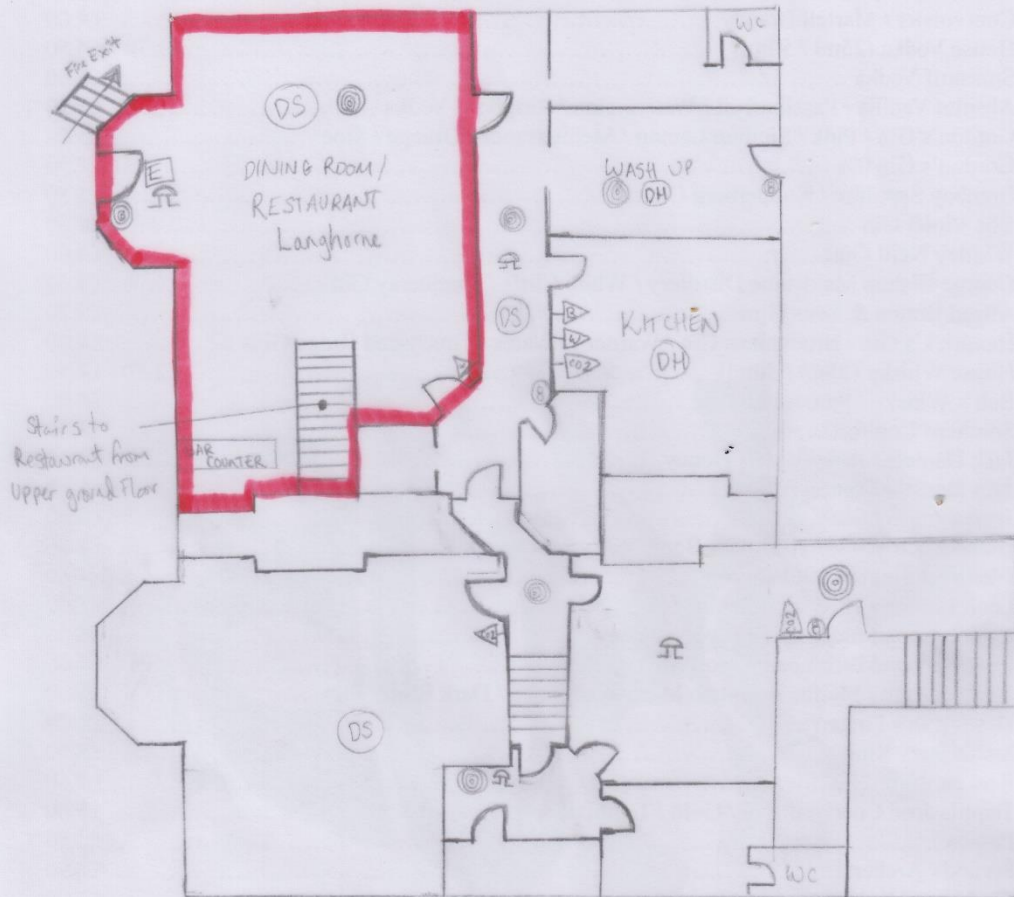
Name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in which capacity

Full name Capacity
Kimberley Huxley DPS

Date
01/03/23

Once you submit this form you will be able to make your payment. Please note that if no payment is made this request will not be processed.

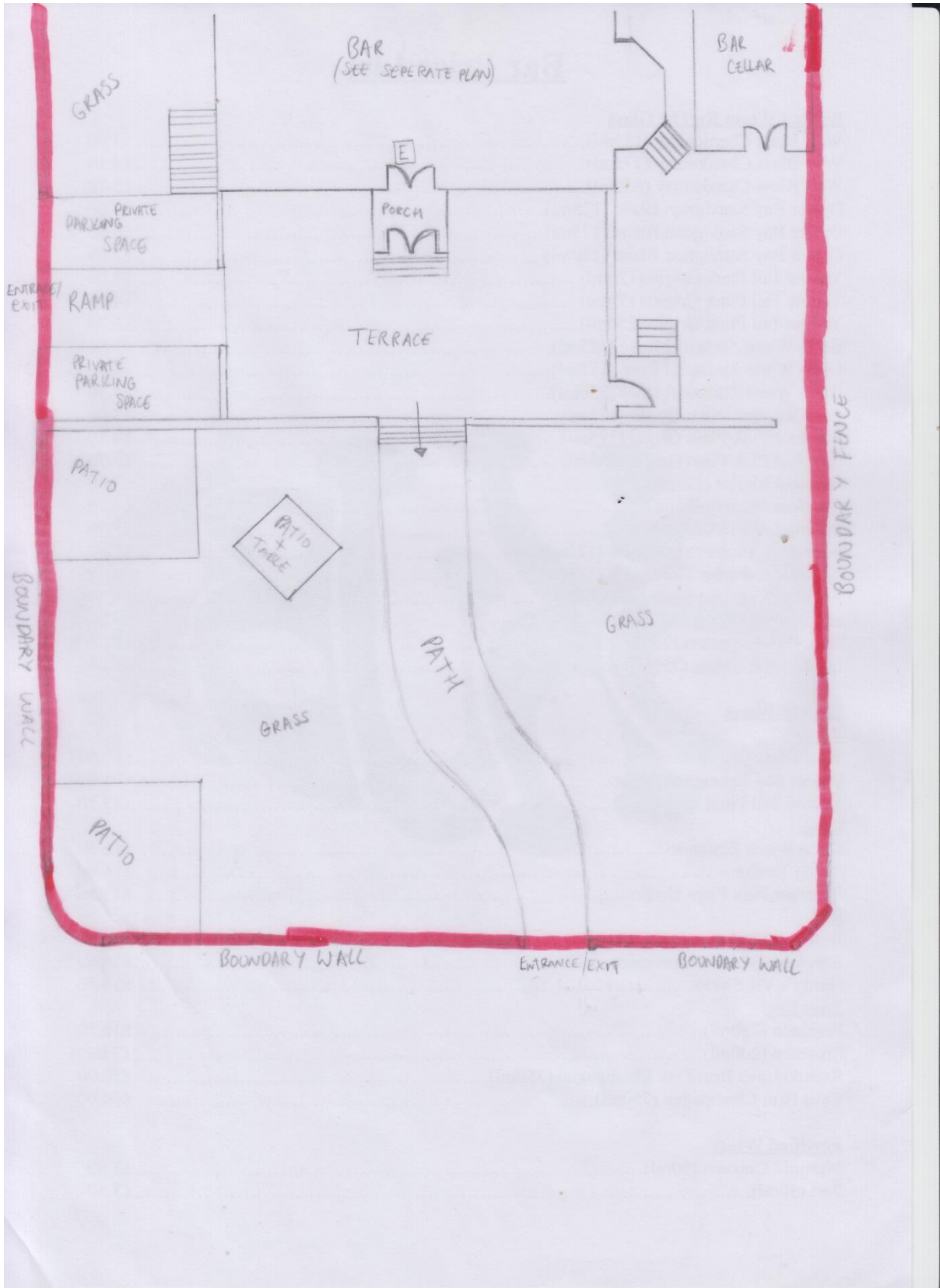
Portland Hotel
Lower Grand Floor
Restaurant



KEY

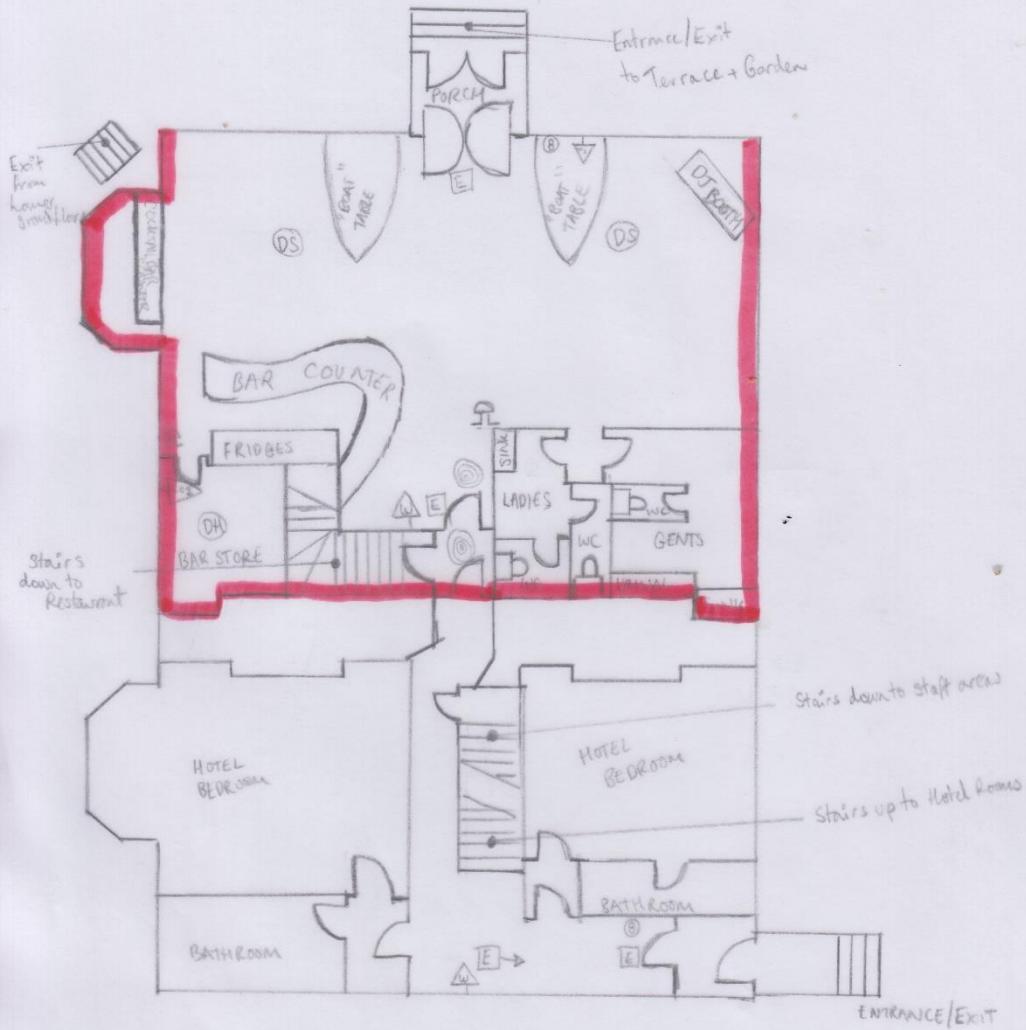
- [E] Emergency Exit Sign
- (DS) Auto Fire Protection
- (DH) Heat Detector
- (●) Fire Alarm Call Point
- (🔔) Sounder
- (☒) Fire Blanket
- (🔥) Fire Extinguisher Wet Chemical
- (🔥) Fire Extinguisher CO2
- (●) Emergency Lighting

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Portland Motel + Skuba Bar
Upper Ground Floor



KEY

- ⊙ Fire Alarm Call Point
- ⌈ Emergency Exit Sign
- Ⓧ Auto Fire Protection
- Ⓧ Heat Detector
- ⌈ Soubor
- ⌈ Fire Extingisher Wet chemical
- ⌈ Fire Extingisher CO2
- ⊙ Emergency Lighting

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Annex 2 - Conditions Consistent with the Operating Schedule

General - To Meet all Licensing Objectives

Staff Training - Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:

- a. The responsible sale of alcohol.
 - b. The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
 - c. The responsibility to refuse the sale of alcohol to any person who is drunk.
 - d. Fire safety & emergency evacuation procedures
- All training will be recorded, and training records made available on request to an authorised officer of the Licensing Authority or the Police.

Recording Practices - The premises will maintain written reports and registers. These will be kept for a minimum of 12 months and made available to the police and any authorised officer of the licensing authority on request. Records will be maintained of the following:

- a. Any complaint against the premises in respect of any of the licensing objectives
- b. Any crime reported at the premises
- c. Any seizure of drugs or offensive weapons
- d. Any illegal drug related incident
- e. Any fault in the CCTV system

All written reports and registers will be regularly checked by the DPS.

Bank Holidays - On any day immediately preceding a Bank Holiday, the operating hours and those hours for all licensable activities will reflect the hours permitted on Saturdays.

The Prevention of Crime & Disorder

CCTV - The venue shall maintain a CCTV system. The CCTV system shall continually record whilst the venue is open for licensable activities and / or when customers remain on the premises. All recordings shall be time & date stamped for a 28- 31-day period and be made available to the Police or authorised officer of the licensing authority upon request. The CCTV system shall:

- a. Cover all entry points used by the public.
- b. Enable frontal identification of persons entering in any light condition.
- c. Be maintained by a suitably qualified person.
- d. If CCTV is not working, the local authority and or Police should be notified. Efforts must be made to get the CCTV working within a 7-day period.

CCTV - Sufficient competent persons should be authorised by the premises licence holder to provide the Police with downloaded CCTV data (footage and / or images) in an appropriate recorded format (usually to a disc, memory stick or data file sent electronically) when formally requested to do so. The authorised person(s) should be sufficient to enable such data to be obtained by the police within 24 hours of a formal request being made.

CCTV - Sufficient competent persons should be authorised by the premises licence holder to ensure that at all times the premises is open to the public, a member of staff is available to show the Police, when formally requested to do so, any images / footage from CCTV system with a minimum of delay.

Drugs Zero Tolerance Policy - A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.

Door Supervisor – Door Supervisor - A Door Supervisor will be employed at the premises when licensable activities are taking place under the following criteria:

On Friday and Saturdays from when the music starts until the last patron has left the premises and dispersed from the area immediately to the front of the premises.

Where a requirement for door supervisor is identified, a register of door supervisors employed will be maintained.

This register will record their name, SIA Door Supervisor Licence number, contact details and be signed by the Door Supervisor as well as an authorised member of the premises management team.

The premises will risk assess events held on days that are not Friday and Sundays and where appropriate employ SIA door supervision to ensure the licensing objectives are upheld.

Public Safety

Fire Safety - A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk Assessment:

An integrated fire detection and alarm system is installed, checked, regularly tested and maintained by a competent person.

Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.

Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.

All emergency exits are marked on the premises plan.

First Aid - Adequate & suitable first aid boxes will be maintained.

The Prevention of Public Nuisance

Refuse Disposal - No commercial waste shall be left on the street, all waste shall be stored in the commercial bins provided, prior to collection.

Refuse Disposal - Waste shall not be collected from the premises between the hours of 22.00 and 06:00 on any day.

Glass Recycling - Glass set aside for recycling shall not be emptied from one receptacle into another in any external area of the premises between the hours of 22.00 and 06:00 on any day

Litter - The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.

Smoking Area - Smokers shall be directed to smoke in a dedicated smoking area.

Smoking Area Signage - A sign requesting customers to respect local residents and keep noise to a minimum, will be displayed in the designated Smoking Area.

Smoking Area - Alcoholic drinks will not be permitted to leave the premises.

Exit Signage - A sign requesting customers to respect local residents and leave the premises quietly, will be displayed at each public the exit to the premises.

Dispersal Policy - A suitable Dispersal Policy will be adopted by the premises and all relevant staff will receive training in the implementation of the policy. A copy of the policy will be kept at the premises and made available to the Police or Environmental Health Officer on request.

External Doors - All external doors to the premises will remain closed after 23.00 except for entrance and egress, to prevent noise escaping from the premises.

The Protection of Children from Harm

Challenge 25 - A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol; signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised in the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.

Register of Refusals - A register of refusals book or electronic equivalent designed to record all refusals of sales of alcohol shall be maintained on the premises and made available to the police and local authority officers upon reasonable request.

Representations

Representation 1

I write to make observations / objections to application below concerning Scuba Bar request for variation of their live outside music licence.

I have canvassed views of my members and other neighbours and the vast majority view is extending licenced hours for music to be played outside The Scuba Bar until 21:00hrs is far too late for a Sunday evening.

Please note reference to continuing problem of Noise and ASB emanating from intoxicated customers leaving The Scuba Bar late on Friday and Saturday nights. I understand the Police have had to attend to late night disturbance problems at or in the vicinity of The Scuba Bar bar twice in recent weeks??

Therefore we (Leas Residents Association) formally object to hours permitted for outside music at The Scuba Bar being extended until 21:00hrs on Sunday evenings.

Please see contents of short note below from Chair of Carlton Leas Residents Association containing a response to request for views on making an objection from residents.

“We quite agree that 9pm is too late on a Sunday evening and think that we should put in an objection.

We’re sure that it was 4-7 pm last year which was bearable but, if on a warm evening we want the doors open, loud music until 9pm would be far too much.

I think on a Friday and Saturday their licence is until 12.30am. The music is inside then of course but we can hear the dull beats & see lights flashing. There is then the added noise of the customers leaving, hanging about in the street or waiting for taxis etc. until the early hours! And heaven forbid! They often sound as if they may be the worse for drink!

I must admit I thought it was from 4-7 pm last year – but 9.00 pm on a Sunday is far too late in my view.”

The Leas Residents Association.

Representation 2

Reference the music application from Skuba bar, last year the music was at unreasonable levels of volume , I have no objections to live bands providing the volume is at a greatly reduced level and to be from 4-9 pm is also unreasonable, when the music is at an increased volume it reverberates all down Langhorne Gardens and shutting windows in summer to shut the noise out doesn't seem fair, I have video clips from last year from my balcony to demonstrate the volume levels.

Regards
D C Thompson
7/9 Langhorne Gardens

Representation 3

Dear madam/sir,

We are writing to object to the proposed licence extension from 7pm to 9pm on Sundays, submitted by the Skuba Bar. We live quite close to the premises and the noise from the music when performed has a detrimental impact on our ability to relax on our terrace' when the weather is good. Not only this but the noise from the music particularly when they use a lot of base resounds round our building. In fact last week even when we had the patio doors closed and were watching a football match the noise could still be heard very audibly. We are all for businesses doing well in Folkestone but believe that three hours, particularly on a Sunday, is more than enough for customers at the Skuba Bar to enjoy the music.

Yours faithfully,
Jill and Stuart Newland
20 Carlton Leas

Representation 4

Dear Sirs

On behalf of the residents of Carlton Leas, I have been asked to object to the application to have live bands playing in the garden area outside the Skuba Bar on Sundays between 4.00 and 9.00 pm.

Last year the Skuba Bar were permitted to have live music outside on a Sunday until 7.00 pm. At times the noise level was very loud, and complaints were made. To have this music continuing until 9.00 pm on a Sunday is quite unacceptable.

During the summer months residents like to enjoy the warm weather on their balconies but the noise level from the Skuba Bar means that on many occasions the windows have had to be shut and residents forced to sit inside.

In her application Ms Huxley maintains that when customers leave the premises, they are asked to leave by one exit only in order to minimise noise to neighbours. Whilst these attempts to reduce noise levels are appreciated, they

are quite futile as those customers then stand on The Leas, outside the Leas Cliff Hall, talking loudly saying goodbye to friends and waiting for taxis, etc. They also throw their empty plastic glasses and beer bottles into our garden area and frequently damage our hedging. We feel therefore to have outside music carrying on until 9.00pm on a Sunday will only encourage this behaviour and add to the problems we already have to put up with.

We therefore strongly urge that this variation to the license for the Skuba Bar be rejected.

Receipt of our objection would be helpful – an email will be sufficient.

Yours faithfully

Janet M Doyle
Chair
Carlton Lease Residents Association Ltd

Representation 5

We wish to object to the proposal by the Skuba Bar to have live music in their garden on a Sunday from 4pm - 9pm.

We live on The Leas next door to the bar and last year reluctantly accepted the fact that live music was played until 7pm in the garden. Living in a holiday resort we felt that it was reasonable that there could be music playing for visitors etc. However 9pm on a Sunday evening is far too late for loud music, often of dubious quality, to be played outside. On a warm evening, like most people, we like to have our windows and doors open but last year this often proved impossible until the music ended at 7pm. We certainly do not want to live in a closed environment until 9pm. Yesterday, Coronation weekend pp7th May, there was live music(?) playing very loudly which didn't finish until about 8pm and we had to close our patio doors in order to carry on a conversation with friends.

I believe the bar has a licence until 11.30 on Friday and Saturday nights and though it is inside we can hear the beats of the music and see lights flashing. We cope with this but it is the noise when customers are leaving that is the problem. However many exits they use to leave the premises they tend to congregate outside the Leas Cliff Hall area, waiting for taxis, shouting, singing and making a general nuisance often until 1am. Another problem is the litter & cans thrown into the gardens of Carlton Leas. We're fortunate in that we have a great caretaker who takes good care of our premises but he shouldn't have to start work on a Monday morning by picking up rubbish left by the revellers.

The Leas are one of the jewels in Folkestone's crown and we don't think the area will be enhanced by having loud music blaring out until 9pm. We know that our lives certainly won't be enhanced should this licence application be successful.

We therefore wish to record our strong objection to the proposed licence variation to the Skuba being granted.

Edward & Mary McLaughlin
40 Carlton Leas

The Leas
Folkestone CT20 2DJ

Representation 6

I write to object to the application below concerning Scuba Bar request for variation of their live outside music licence.

I have taken the views of my fellow leaseholders in Aspen House and other neighbours and the view that extending licenced hours for music to be played outside The Scuba Bar until 21:00hrs is far too late for a Sunday evening.

Please note continuing problem of Noise and ASB emanating from intoxicated customers leaving The Scuba Bar late on Friday and Saturday nights. I understand the Police have had to attend to late night disturbance problems at or in the vicinity of The Scuba Bar bar twice in recent weeks? We are heartily sick of loud argument threatening behaviour and colourful language around the McDONALDS lights or on the War Memorial from Skuba customers. In case this is challenged, this is the only bar on the west end of the Leas licensed for late night drinking activity, where drunken customers move from the Skuba Bar to The Party Bar in Tontine Street via The Leas.

Therefore we (Leas Residents Associations) formally object to potential hours permitted for outside music at The Scuba Bar being extended until 21:00hrs on Sunday evenings.

M J Ainsworth Co-ordinator Aspen and Westcliff Houses.

PR. 202303-87217.

39, Carlton Zears,
The Zears,

Folkestone.

CT20.2DS.

09 MAY 2023

4th May, 2023.

Dear Sir or Madam,

Portland Hotel and Skuba Bar.

I do not agree to live bands playing at the above premises until 9 p.m. on Sunday evenings. 7 p.m. is quite late enough as last Summer the band was very noisy, and, it wasn't pleasant sitting out on my balcony during the performance. I don't know how many Sundays the band intends to play and I hope it is limited to four.

Yours sincerely,

Judith Masters.

Representation 8

I wish to object to application referred to below and state extending licensed hours for music to be played outside The Scuba Bar until 21:00hrs is far too late for a Sunday evening.

Please note - we all continue suffering problems of Noise and ASB emanating from intoxicated customers leaving The Scuba Bar late on Friday and Saturday nights. I understand the Police have had to attend to late night disturbance problems at or in the vicinity of The Scuba Bar bar twice in recent weeks??

Therefore I object to hours permitted for outside music at The Scuba Bar being extended until 21:00hrs on Sunday evenings on the basis that this will cause a Public Nuisance.

Please also be aware that even when music stops in Scuba Bar garden, there will be a large number of, possible highly intoxicated customers, still outside the premisses/bar, which will lead to more noise creating public nuisance and disturbance to nearby residents.

These premisses cause an enormous amount of ASB and noise nuisance on days mentioned above and, it is unfair that possible said nuisance should be extended to Sundays as well.

Kind regards.
Philip Carter
18 Whitecliffs.
The Leas.
CT20 2DTI

This report will be made public on 19/06/2023



Report Number **DCL/23/09**

To: Licensing Sub-Committee
Date: 26 June 2023
Status: Non-Executive Decision
Responsible Officer: Ewan Green – Director of Place

SUBJECT: An application for a Premises Licence in respect of: Shanghai Inn, 27 Tontine Street, Folkestone CT20 1JT

SUMMARY: This report outlines the application made by Ngoc Pham for a Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

REASONS FOR DETERMINATION:

The Committee is asked to consider the application for a Premises Licence. When considering the application, the Committee must ensure they fully promote the licensing objectives. The Committee is obliged to have regard to the revised national section 182 guidance and the council's own licensing policy.

DETERMINATION:

The Licensing Sub-Committee is asked to:

1. Note the contents of Report
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

2. APPLICATION

- 2.1 On the 9th February 2023 Ngoc Pham submitted a completed application for a new Premises Licence at Shanghai Inn.

The application is for:

Supply of alcohol On Sales. Sun-Thurs 11.00-22.30 Fri & Sat 11.00-00.30.
Recorded Music – Fri & Sat 23.00-01.00.
Opening Hours – Sun-Thurs 11.00-23.00 Fri & Sun 11.00-01.00.

The application is for music to be indoors. Due to the Live Music Act 2012, Live Music and Recorded Music were deregulated and are not considered licensable activities between 8:00 – 23:00 where there is an alcohol licence in place, therefore those activities are not shown above.

The application for a Premises Licence can be seen at Appendix 1.

1. RELEVANT REPRESENTATIONS

- 1.1. This Hearing has been required by the Licensing Act 2003 because a valid representation was received from a member of the public.

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

Kent Police have not objected but have requested a more detailed Operating Schedule be applied and the applicant has agreed to add these to the application. These can be seen at Appendix 2.

The representation can be found at Appendix 3.

2. OPTIONS

2.1. 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

1.1. 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.

1. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillor's with any questions arising out of this report should contact the following officer prior to the meeting:

John Bickel, Licensing Specialist
Telephone: 01303 853384
Email: john.bickel@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.

2. APPENDICES

Appendix 1. Application for a Premises Licence

Appendix 2. Operating Schedule additions recommended by Kent Police and agreed by applicant.

Appendix 3. Representation

Folkestone & Hythe District Council

(Page 1 /20)

Your name

Ngoc Pham

Email

shanghaiinn@yahoo.com

(Page 2 /20)

Postal address of premises (inc postcode) or, if none, ordnance survey map reference or description

27 Tontine Street Folkestone CT20 1JT

Telephone number at premises (if any)

01303670742

Premises band (check the Non domestic rateable value Main fee levels - GOV.UK . This will be used to calculate the correct fee)

B

Applicant details (Page 3 /20)

In what capacity are you applying for the premises licence?

as a limited company/limited liability partnership

Please confirm one of the following

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Details of applicant

Full name

Shanghai Inn

Address (inc postcode)

27 Tontine Street Folkestone CT20 1JT

Registered number (where applicable)

14396029

Description of applicant (for example partnership, company, unincorporated association etc.)

Folkestone & Hythe District Council

Limited Company

Contact number

07725835960

Email

shanghaiinn@yahoo.com

(Page 4 /20)

When do you want the premises licence to start?

09/03/2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises

Shanghai Inn is a new Bar and restaurant that is due to open only after premises licence is granted. Previously known as the Golden dragon was also licenced restaurant and bar. The premises has gone under renovation to meet the best standard and serve the community with the best atmosphere and food. The premises can hold about maximum of 50 customers at one time.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

50

(Page 5 /20)

Provision of regulated entertainment (tick all that apply)

- **Live music**
- **Recorded music**
- **Supply of alcohol**

Live music (Page 10 /20)

Monday Start Monday Finish

Tuesday Start Tuesday Finish

Folkestone & Hythe District Council

Wednesday Start Wednesday Finish

Thursday Start Thursday Finish

Friday Start Friday Finish

7pm 10pm

Saturday Start Saturday Finish

7pm 10pm

Sunday Start Sunday Finish

Where will the live music take place?

Indoors

Further details

only on Weekends from 7pm to 10pm

Seasonal variations for the performance of live music

non

Details of where you intend to use the premises for live music at different times to those listed

only inside the restaurant seating area

Recorded music (Page 11 /20)

Monday Start Monday Finish

11am 11pm

Tuesday Start Tuesday Finish

11am 11pm

Wednesday Start Wednesday Finish

11am 11pm

Thursday Start Thursday Finish

11am 11pm

Friday Start Friday Finish

11am 1am

Saturday Start Saturday Finish

11am 1am

Sunday Start Sunday Finish

11am 11pm

Folkestone & Hythe District Council

Where will the recorded music take place?

Indoors

Further details

Recorded music will be played during the opening hours of the business

Seasonal variations for the performance of recorded music

Non

Details of where you intend to use the premises for recorded music at different times to those listed

We do not intend to use the recorded music at different dates and times to those listed above. And only within the premises especially the bar and restaurant area.

Supply of alcohol (Page 15 /20)

Monday Start Monday Finish

11am 11pm

Tuesday Start Tuesday Finish

11am 11pm

Wednesday Start Wednesday Finish

11am 11pm

Thursday Start Thursday Finish

11am 11pm

Friday Start Friday Finish

11am 1pm

Saturday Start Saturday Finish

11am 1pm

Sunday Start Sunday Finish

11am 11pm

Where will the supply of alcohol take place?

Indoors

Will the supply of alcohol be for consumption?

On the premises

Seasonal variations for the supply of alcohol

Non

Details of where you intend to use the premises for the supply of alcohol at different times to those listed

Only on the premises specified on the plan and the specified date and time above on the application.

Folkestone & Hythe District Council

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor. (Page 16 /20)

Full name

Srijana Gurung

Date of birth

11/08/1986

Address (inc postcode)

25A Cheriton High Street Folkestone CT19 4EY

Personal licence number (if known)

Issuing licensing authority (if known)

Folkestone and Hythe District Council

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

Non of the adult entertainment or activities will be held in the premises that may give rise to concern in respect of children.

Hours premises are open to the public (Page 17 /20)

Monday Start Monday Finish

11am 11pm

Tuesday Start Tuesday Finish

11am 11pm

Wednesday Start Wednesday Finish

11am 11pm

Thursday Start Thursday Finish

11am 11pm

Friday Start Friday Finish

11am 1pm

Saturday Start Saturday Finish

11am 1pm

Sunday Start Sunday Finish

11am 11pm

Any seasonal variations

Non

Folkestone & Hythe District Council

Details of where you intend the premises to be open to the public at different times to those listed

No, only open on the stated days and time.

Describe the steps you intend to take to promote the four licensing objectives (Page 18 /20)

General - all four licensing objectives

Here are the list of things that is planned to be in place to meet the four licensing objectives

The prevention of crime and disorder

Train our staffs to not sell the alcohol when they assess a customer already drunk or ill. Always ask for the Id check if the customer seems not old enough as 18. Security camera recording 24/7 is placed within the premises which makes the people with bad intention aware of their action which will be captured in the camera, which might help reduce crime and disorder.

Public safety

Fire exit signs and fire extinguishers will be made well visible. General First aid box will be placed in each floor. Train the staffs to place floor sign board system when the floor is wet with the spillage or mopped Fire alarm system will be checked every year for the security of the guest and staffs. A yearly risk assessment will be implemented to address any hazards.

The prevention of public nuisance

The entrance doors are fitted with double glazed soft closing system so that when the customers enter or exit the premises, it would not make slamming noises. We will always close the window and doors to reduce the noise. The litters will be out in the bin only in the late morning to reduce the litter noise.

The protection of children from harm

Train the staff to not to sell the alcohol to the children under 18 by checking their any form of photo ID. Any children under 16 must be accompanied by their guardian.

Additional information (Page 19 /20)

Upload a plan of the premises

Shanghai Inn plan.docx

Upload the consent of individual to being specified as premises supervisor

DPS Consent form.docx

Upload proof of entitlement to work in the UK (see guidance notes on website)

Lily Passport.jpeg

Folkestone & Hythe District Council

Declaration (Page 20 /20)

- (Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) .
- FHDC will send copies of this application and plan to responsible authorities and others where applicable, on my behalf.
- I understand that I must advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- I am authorised to act on behalf of all applicants where there is more than one applicant.

Full name Date
Ms Le Ngoc Pham 09/02/23

Capacity
Full

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Conditions for Restaurant and Bar

General

All staff will be trained regularly on licensing provisions.

Refresher training will take place every 6 months without fail for all current staff. New staff will be given training prior to their start date.

All new and refresher training will be documented in a log. Records must be retained for at least 12 months and shall be made available for inspection to the police, or other officers of the Licensing Authority upon request.

The prevention of crime and disorder

CCTV - The venue shall maintain a CCTV system. The CCTV system shall continually record whilst the venue is open for licensable activities and / or when customers remain on the premises. All recordings shall be time & date stamped, maintained for a 28 day period and be made available to the Police or authorised officer of the licensing authority upon request.

The CCTV system shall:

- a. Cover all entry points used by the public.
- b. Enable frontal identification of persons entering in any light condition.
- c. Be maintained by a suitably qualified person.

CCTV - Sufficient competent persons should be authorised by the premises licence holder to provide the Police with downloaded CCTV data (footage and / or images) in an appropriate recorded format (usually to a disc, memory stick or data file sent electronically) when formally requested to do so. The authorised person(s) should be sufficient to enable such data to be obtained by the police within 24 hours of a formal request being made.

Drugs Zero Tolerance Policy - A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.

Door Supervisor – The premises will risk assess events and where appropriate employ SIA door supervision to ensure the licensing objectives are upheld.

Where a requirement for door supervisor is identified, a register of door supervisors employed will be maintained.

Public Safety

Fire Safety - A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk

Assessment:

- a. An integrated fire detection and alarm system is installed, checked, regularly tested and maintained by a competent person.

- b. Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
 - c. Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
 - d. All emergency exits are marked on the premises plan.
- First Aid - Adequate & suitable first aid boxes will be maintained.

The Prevention of public nuisance

Refuse Disposal - No commercial waste shall be left on the street, all waste shall be stored in the commercial bins provided, prior to collection.

Refuse Disposal - Waste shall not be collected from the premises between the hours of 22.00 and 08.00 on any day.

Glass Recycling - Glass set aside for recycling shall not be emptied from one receptacle into another in any external area of the premises between the hours of 22.00 and 08.00 on any day.

Litter - The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.

Noise Escape - Where amplified live music or recorded music is played windows and doors will be kept shut, except for entrance and egress, after 22.00 to avoid any public nuisance being caused.

Noise Escape - No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Exit Signage - A sign requesting customers to respect local residents and leave the premises quietly, will be displayed at each public exit to the premises.

External Doors - All external doors to the premises will remain closed after 23.00 except for entrance and egress, to prevent noise escaping from the premises.

The Protection of children from harm

Challenge 25 - A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol; signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised in the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.

Register of Refusals - A register of refusals book or electronic equivalent designed to record all refusals of sales of alcohol shall be maintained on the premises and made available to the police and local authority officers upon reasonable request.

Access restriction for children – Unaccompanied children under the age of 18 years shall not be permitted on the premises after 21:00 on any day.

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Representation

(Name/Address redacted as requested).

This premises is surrounded left and right, across the street and behind the premises by buildings with multiple flats in them. There are families with young children, and working people living in these flats. I was under the impression that people applying for licences to open beyond 11.30pm, the applicant had to prove that they would not disturb residents' rights to live in peace without excessive noise from licenced premises. I note that the applicant wants to have recorded music from 23.00 to 01.00 on a Friday or Saturday. Does recorded music mean a DJ? If so the premises should undergo acoustic tests. Knowing the Waste Disposal problems this premise had when it was the Golden Dragon, I have my doubts about how they will handle this. I copied this information from the revised Licensing Policy. One of the main problems with Bars on Tontine street has been people standing outside smoking out on the street in the early hours. I have read the applicant's promises for mitigation about noise etc but as they haven't reached out to any residents in advance, this is just what all applicants say.

NOISE The impact on a neighbourhood of licensed premises is significantly influenced by the times when those licensed premises are open, and the times when licensable activities are taking place, particularly between the times of 11pm and 7am. The location of the premises is also a significant factor and extra consideration to noise is needed in denser residential areas and where it is near other noise sensitive premises such as hospitals, care homes and places of worship. Operators should also recognise the impact of noise as a result of their customers eating, drinking, smoking, queuing, and leaving the premises.

engaging with local residents on a regular basis to ensure that licence holders are being good neighbours and dealing with problems as they arise

designing the premises with noise-limiting features such as sound proofing, acoustic double lobbies, and sound-limitation devices • minimising the extent that patrons are outside the premises

Residents can be disturbed by other factors such as litter, smells, fumes, dust, tobacco or other smoke

The Council does have recommended advisory hours that we would expect applicants to aim towards for their type of business. If later hours are applied for then we would expect further detail and an even more robust emphasis on how their Operating Plan will mitigate any public nuisance or crime and disorder.

Below is a table of our recommended hours: Type of business Recommended closing time
Cafe 22:00 Restaurant 23:00 Pubs/bars 23:30 Nightclub 02:00

I look forward to a robust emphasis on how they intend not to add to the already difficult circumstances for residents at this end of Tontine Street and for the buildings behind it. I know other residents are concerned having seen the notice on the door and I have urged them to comment.

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