

This report will be made public on 9 May 2022



Report Number **DCL/22/01**

To: Licensing Sub-Committee
Date: 17 May 2022
Status: Non-Executive Decision
Head of service: Ewan Green

SUBJECT: An application to Vary the Premises Licence in respect of:
Home Taproom, 61 Tontine Street, Folkestone, Kent, CT20 1JR

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

REASONS FOR DETERMINATION:

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

DETERMINATION:

The Licensing Sub-Committee is asked to:

1. Note the contents of Report DCL/22/01.
2. Determine the application. The options for determining the application are set out in section 4.

1. BACKGROUND

- 1.1 The Licensing Act 2003 provides that the sale or supply of alcohol on and off the premises and other licensable activities must be authorised by a premises licence.

A premises licence holder must comply with the four licensing objectives:

- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.2 On the 16th June 2016, Mr Mark Swain applied for a Premises Licence for the premises at 61 Tontine Street, Folkestone. The premises was previously a newsagents shop and the application was for a micro pub. The application highlighted that people would not be permitted to drink outside in the street, it was intended that small one-act plays, poetry and non-amplified music may feature on some occasions. The focus was on the consumption of quality real-ales and wine in moderate quantities, enhanced conversation without the intrusion of loud music, no late opening, no sale of spirits, alcho-pops or strong lagers.

- 1.3 The licence granted was on 19th July 2016 for:

- **Live Music** – Monday – Saturday 11:00 – 22:30 and Sunday 11:00 – 20:30
- **Plays** – Monday – Saturday 11:00 – 22:30 and Sunday 11:00 – 20:30
- **Supply of Alcohol On Sales** – Monday - Saturday 10:30 – 22:30 and Sunday 10:30 – 20:30
- **Opening Hours** – Monday - Saturday 10:30 – 23:00 and Sunday 10:30 – 21:00

Environmental Health did not object to the application on the basis that the following conditions were adhered to, in accordance with what was applied for:

- All doors and windows must be closed when regulated entertainment is taking place
 - No amplified music or use of drums within the premises
 - Provision for patrons to dispose of used cigarettes at the front of the premises
 - No alcohol to be taken outside
- 1.4 On the 16th January 2019 the licence was transferred to Mr Trevor & Mrs Tnaesha Twohig.
- 1.5 On the 3rd May 2019 the premises was transferred to The Brewery of Angels & Demons and the premises name was changed to Home.

- 1.6 The current Premises Licence can be seen at Appendix 1.
- 1.7 During weekend evening visits in 2021 by Licensing Officers it was observed that Home Taproom were operating outside of their licence, namely that they were regularly having amplified live music and doors and windows were not always closed when music was played, Officers advised the Bar Manager to cease having amplified music events and apply for a Variation to their licence. They subsequently submitted Temporary Events Notices to cover the additional licensable activities and submitted an application to Vary their licence.

2. APPLICATION

2.1 On the 20th December 2021 Mr Ross Gandon, Director of Angels & Demons Brewery submitted an application to Vary the licence to extend the opening hours, extend hours of alcohol sales and add off sales and allow amplified live and recorded music, extend hours of plays and films and add late night refreshment. The application is for:

- **Plays** – Monday – Thursday 11:00 – 23:30, Friday and Saturday - 11:00-00:30 and Sunday 11:00 – 23:30
- **Films** - Monday - Thursday 11:00 – 23:30, Friday and Saturday 11:00-00:30 and Sunday 11:00 – 23:30
- **Live Music** – Monday - Thursday 11:00 – 23:30 Friday and Saturday 11:00-00:30 and Sunday 11:00 – 23:30
- **Recorded Music** – Monday - Thursday 11:00 – 23:30 Friday and Saturday 11:00-00:30 and Sunday 11:00 – 23:30
- **Late night refreshment** – Monday - Thursday 12:00 – 00:00, Friday and Saturday 12:00-01:00 and Sunday 12:00 – 23:00
- **Supply of Alcohol On and Off Sales** – Monday - Thursday 11:00 – 23:30 Friday and Saturday 11:00-00:30 and Sunday 11:00 – 23:30
- **Opening Hours** – Monday – Thursday 11:00 – 00:00, Friday and Saturday - 11:00-01:00 and Sunday 11:00 – 00:00

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

2.2. The Police asked for the following conditions to be added and the applicant has agreed to these:

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, maintained for a 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.

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 48 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.

I would like to recommend they have a minimum of 1 door staff every Friday and Saturday. This is not mandatory, but will be reviewed should any crime and disorder take place.

The venue should risk assess each event and request door staff should they feel it appropriate to do so.

2.3. An application to amend the planning permission is due to be submitted to the Planning Authority. This will be to amend/remove the following conditions that are currently present:

- No live or amplified music or amplified entertainment shall take place within the premises at any time.
- The use hereby permitted shall not be open to customers outside the following times: 10.30-23.00 Monday-Saturday and 10.30-16.00 Sundays and Bank Holidays.
- There shall be no cooking of food within the premises without the prior written consent in writing of the Local Planning Authority.

3. RELEVANT REPRESENTATIONS

3.1. This Hearing has been required by the Licensing Act 2003 because valid representations were 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

The representation 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. Representation