

This report will be made public on 4 November 2022



Report Number **DCL/22/43**

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

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

SUMMARY: This report outlines the application made by The Pullman 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/22/43.**
- 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 Pullman (previously known as the Pullman Wine 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 – 23:30
Friday-Saturday 10:00 – 00:30
- **Live music** – Sunday-Thursday 10:00 – 23:30 Friday-Saturday 10:00 – 00:30
- **Recorded music** – Sunday-Thursday 10:00 – 23:30 Friday-Saturday 10:00 – 00:30
- **Provision of facilities for dancing** – Sunday-Thursday 10:00 – 23:30 Friday-Saturday 10:00 – 00:30
- **Late night refreshment** – Sunday-Thursday 10:00 – 23:30 Friday-Saturday 10:00 – 00:30
- **Opening hours** – Sunday-Thursday 10:00 – 00:00 Friday-Saturday 10:00 – 01:00

1.4 The current Premises Licence can be seen at Appendix 1.

1.5 The current owners, 'Trend Business Consultants', took over the premises in July 2014. Since that time they have been using the rear garden until closing time without realising that there was a condition on their licence that prevented them from using the garden after 22:00.

1.6 During the last 8 years we have not received complaints regarding the use of the rear garden, however in August this year our Environmental Health team received a complaint regarding noise:

The garden of the Pullman pub is to the rear of our homes. Night after night the patrons shout and laugh to often the early morning. It is 12.06 and I am still hearing the shouting. I do not know why the noise continues after closing, does the pub have extended hours? Homes surround the pub, it is too much, the noise affects me greatly, I have to have my windows open as it is so hot. The level of noise is too high I think the patrons should not be in the garden after 11 pm.

- 1.7. At this point the licence was checked and the condition was noted regarding the external areas closing at 22:00. We therefore informed the DPS and they then closed the garden at 22:00 each night.

2. APPLICATION

- 2.1 On the 23rd August 2022 an application was received to vary the licence.

- 2.2 The variation is to remove a condition that was added when the licence was originally issued:

- External areas to be closed at 22.00hrs

The application to vary the premises licence can be seen at Appendix 2.

- 2.2. The Police asked for the Operating Schedule to be updated and the applicant has agreed to the proposal. This can be seen at Appendix 3.

3. RELEVANT REPRESENTATIONS

- 3.1. This Hearing has been required by the Licensing Act 2003 because valid representations were received from a Responsible Authority and members of the public.

Responsible Authority	Comments
Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	Objection
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	None
Child Protection Agency	None

The representations can be found at Appendix 4.

4. OPTIONS

- 4.1. 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

- 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. New operating schedule

Appendix 4. Representations