

Reference: **NOD/2023/0003A**

**LICENSING AUTHORITY: DOVER DISTRICT COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 REGULATION 28**

**NOTICE OF DETERMINATION  
CLIFFTOP CAFÉ, 111A OLD DOVER ROAD, CAPEL-LE-FERNE, FOLKESTONE**

---

**Date of Determination:** 26 April 2023

**Sub-Committee Members:** Councillor T A Bond (Chairman)  
Councillor N J Collor (as substitute for Councillor D G Cronk)  
Councillor P D Jull

**Legal Advisor:** S Beasley (Principal Lawyer Litigation & Regulatory)

**Licensing Officers:** R Pordage (Licensing Manager)  
L Summers (Licensing Officer)  
K McLester (Licensing Officer)

**Administrator:** J Duffield (Democratic Services Officer)

**Applicant:** Jacob Hackett

**Applicant's representative:** Timothy Hackett

**In respect of the premises:** Clifftop Café, 111A Old Dover Road, Capel-le-Ferne, Folkestone

**This was an application for:** This was an application for the grant of a premises licence in respect of Clifftop Café, 111A Old Dover Road, Capel-le-Ferne, Folkestone. The application was for:

Supply of Alcohol (for consumption ON the premises)

Every day	12:00 – 20:00 hrs
-----------	-------------------

**EVIDENCE**

A. The Sub-Committee had regard to representations from the following:

1. The Applicant and the applicant's representative:
  - (i) Jacob Hackett – owner and DPS
  - (ii) Timothy Hackett – co-owner
2. Responsible Authorities:

- (i) Kent Police: was not in attendance and had not made representation
- (ii) Kent Fire and Rescue Service: was not in attendance and had not made representation
- (iii) Dover District Council Environmental Health: was not in attendance and had not made representation
- (iv) Kent County Council Trading Standards: was not in attendance and had not made representation
- (v) Local Planning Authority: was not in attendance and had not made representation
- (vi) Kent County Council Social Services – Child Protection: was not in attendance and had not made representation

3. Other Parties:

- (i) Mrs Newell was not in attendance and had made representation.
- (ii) Maureen Leppard (on behalf of Capel-le-Ferne Parish Council) was not in attendance and had made representation.
- (iii) Martyn and Sue Harlow were not in attendance and had made representation.
- (iv) Lynne Hughes was not in attendance and had made representation.

4. Suggested conditions agreed by all parties:

- (i) There were none.

B. Documentary evidence and/or other information taken into account:

- (i) The Licensing Manager's report including, the options available to the Sub-Committee.
- (ii) Application from Jacob Hackett for the grant of a premises licence and plan (appendix A of the agenda)
- (iii) Map of the area (appendix B of the agenda)
- (iv) Representation from Other Persons (appendix C of the agenda)
- (v) Copy of supporting email (appendix D of the agenda)

C. Documentary evidence and/or other information taken into account in the absence of the witnesses:

- (i) There was none.

## **DETERMINATION**

### **D. Facts as Found:**

On the basis of the representations of the applicant, their representative and the written representations from Other Persons, the Sub-Committee found the following facts to be established.

- (i) The application from Jacob Hackett (owner and designated premises supervisor), supported at the hearing by Timothy Hackett, his father and co-owner, was for the grant of a premises licence at Clifftop Café, 111A Old Dover Road, Capel-le-Ferne, Folkestone. The application sought the supply of alcohol for consumption on the premises every day from 12:00 – 20:00 hrs. The opening hours of the premises every day being from 09:00 – 20:00 hrs.
- (ii) During the consultation process three representations objecting to the application were received from Other Persons and one representation supporting the applicant however, stating the sale of alcohol should end at 18:00 hrs. One of the objectors requested an additional statement to be read. This was presented by the Licensing Manager.
- (iii) The Sub-Committee noted and took into account all of the written representations including, four representations in support.
- (iv) The Sub-Committee heard from Timothy Hackett that he and Jacob Hackett had recently bought the business and locals and dog walkers would like a drink in the evening. Mr Timothy Hackett stated that the venue is likely to close at 19:30 hrs, serving drinks from 16:00 hrs however, they have requested a premises licence from 12:00 – 20:00 hrs and there is no issue of anti-social behaviour from the local pubs so he does not believe there will be any as a result of selling alcohol from this premises.
- (v) It is explained to the Sub-Committee by the applicant that they need to move the business along for it to succeed so it is proposed to sell pizza, ice cream and drinks including, craft beers in the evening at tables outside. In essence doing what the venue has done previously but with alcohol and extended hours.
- (vi) The Sub-Committee heard that the premises has been open since Timothy Hackett and Jacob Hackett purchased the venue. It is currently open 10:00 - 16:00 hrs, and has been for about 3 ½ weeks. The plan is to be seasonal, finishing in October and reopening in February.
- (vii) The Sub-Committee questioned whether there was CCTV. The applicant confirmed there was and it was connected to his mobile phone.
- (viii) The Sub-Committee also enquired as to the applicant's experience with other establishments. The applicant confirmed he does have previous experience.
- (ix) When asked by the Sub-Committee how the applicant planned to control people, it was explained by the applicant that he has experienced that if the car park is full, people move on. Likewise, if there are no seats available, people move on as there is no standing area. The venue has a capacity for 24 people inside the premises. There are 10 tables outside. There will be no-one inside the premises from 15:30 hrs. It is proposed alcohol will be served outside

although, the proposed licensable area includes the patio as well as the inside perhaps to be used on a wet day.

E. Relevant Legislation, Rules, Regulations and Policy:

The Sub-Committee has taken into account the following:

- (i) Dover District Council's Licensing Policy
- (ii) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act
- (iii) Article 6 of the Human Rights Act (Right to a fair trial)
- (iv) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications)

F. The Sub-Committee has decided to:

- (i) GRANT the application in respect of Clifftop Café, 111A Old Dover Road, Capel-le-Ferne, Folkestone as applied for.

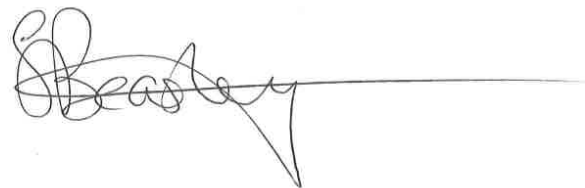
**RIGHT OF APPEAL**

G. The applicant and any other persons have a right of appeal against this determination.

An appeal must be commenced by notice of appeal given by the appellant to the Justices Chief Executive for the Magistrates' Court within the period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision appealed against.

On an appeal by the interested parties the holder of the premises licence is to be the respondent in addition to the licensing authority. Full details of the rights of appeal are contained in Section 181 and Schedule 5 to the Licensing Act 2003 (attached).

Signed:

A handwritten signature in black ink, appearing to read 'S. Beasley', followed by a long horizontal line extending to the right.

Dated: 28.04.2023