



LICENSING SUB-COMMITTEE

Monday 4 April 2022

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	First light Festival C.I.C
Address of Applicant(s):	Parham House Barn, Brick Lane, Woodbridge, IP13 9LQ
Type of applicant (Premises Only):	Community Interest Company
Name of Premises:	East Point Pavilion
Address of premises:	Royal Plain, Lowestoft, NR33 0AP
Description of Premises:	Event space with café and traders/exhibitors

EXECUTIVE SUMMARY:

- This is an application for a new premises licence.
- The application seeks to permit the following licensable activities: Sale of alcohol for on and off the premises, late night refreshment, plays, films, indoor sporting events, boxing or wrestling, live and recorded music and dance.

Is the report Open or Exempt?	Open
-------------------------------	------

Wards Affected:	Kirkley
------------------------	---------

Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Leonie Houlton Licensing Officer 01502 523624 Leonie.Houlton@eastssuffolk.gov.uk

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol –on sales

Monday to Wednesday	10:00 to 23:00
Thursday & Sunday	10:00 to 00:00
Friday & Saturday	10:00 to 03:00

Provision of regulated entertainment (including plays, films, indoor sporting events, boxing or wrestling entertainment, live and recorded music and dance) – indoors and outdoors

Monday to Wednesday	08:30 to 23:00
Thursday & Sunday	08:30 to 00:00
Friday & Saturday	08:30 to 03:00

Late night refreshment – indoors and outdoors

Thursday & Sunday	23:00 to 00:00
Friday & Saturday	23:00 to 03:00

2. PROPOSED OPENING HOURS

Monday to Wednesday	08:30 to 23:00
Thursday & Sunday	08:30 to 00:00
Friday & Saturday	08:30 to 03:00

2.1. CHANGES TO APPLICATION

During discussions with those that had made representations the applicant proposed changes to the times applied for. These changes relate to times for all licensable activities and opening hours.

Friday & Saturday to finish at 01:00

Friday & Saturday to finish at 03:00 no more than 5 times per calendar year

3. OPERATING SCHEDULE

- 3.1 The following steps have been proposed in order to promote the four licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

General

East Pavilion Point is a joint venture between First Light Festival CIC and East Suffolk Council. A joint committee meet regularly to review its development and running. Together we have undertaken regular and detailed consultations and planning development processes with relevant local authority departments, statutory bodies, traders, contractors and other interested parties through a series of round table meetings, conversations and discussions.

Key audiences for EPP are residents and families, as well as to attract visitors to the area. The venue will be free to access, with the exception of a small number of ticketed and potential private hire events.

First Light Festival CIC are recruiting an operations manager and duty managers to run the building and ensure compliance with licensing objectives, including liaising with traders.

First Light Festival CIC will originate an operating schedule and risk assessments for the building, as well as applicable policies and procedures which all staff and contractors will be expected to read and adhere to.

Prevention of crime and disorder

Capacity of the internal areas will be monitored and always maintained by operations or and/or duty manager.

After 11pm and during larger events the venue and outside areas will be monitored and managed by SIA security.

Patrons will be prevented by SIA security from taking any open drinking vessel off site.

Patrons will be prevented by SIA security from bringing any alcoholic beverages on site.

SIA register of licensed door supervisors to be checked by First Light staff prior to employment to ensure premises and customers are protected by door supervisors with a valid SIA licence.

Bar staff will ensure that plastic vessels are used in replacement of glass at the discretion of bar staff dependent on the nature of the event.

First Light are working closely with Suffolk police to ensure we are working in line with latest external threat mitigation advice.

Public safety

Appropriate measures will be taken to ensure the safety of all staff, traders and general public.

A detailed operating schedule and communication of all the contents to staff is a key part in ensuring the public safety of all.

First Light Festival CIC will produce detailed venue, event and fire risk assessments for the venue. Traders and contractors will supply their own relevant risk assessments and method statements and insurance to be reviewed by the Operations Manager

Relevant staff members will be trained as designated first aiders and fire marshals and will be rota'd to ensure there is always sufficient cover on duty. Qualified professional first aid and SIA security will be in attendance at the larger events.

monthly evacuation drill to be held by Operations Manager before venue opens to the public and will cover venue evacuation procedure and individual staff responsibilities.

Access routes and means of escape will be maintained at all times and evacuation procedures will be put in place to ensure efficient evacuation of the venue and communications between the Operations/ Duty Managers, contractors and trader in case of an incident.

Duty staff and traders will be briefed each day ahead of venue opening.

All relevant equipment will be fire resistant and to British Standard.

Adequate lighting to be provided at all times that the venue is open to the public, including emergency lighting.

All tenant paperwork and catering equipment will be checked in accordance with local authority guidelines.

Prevention of public nuisance

Notices around the site reminding customers to leave the premises quietly

Staff will be briefed as to how to manage potential nuisance.

SIA security on duty for late night opening and events.

First Light Festival CIC will prepare a noise management plan in agreement with ESC environmental health team for the event stipulating maximum decibel levels at sound desks and the nearest residences. Noise nuisance will be minimised through controlled use of PA systems, each PA system clearly sited and scheduled and monitored by the Operation Manager and /or Duty Manager or sound technician if applicable.

A phone number will be made publicly available and will be monitored by the Operation Manager and /or Duty Manager during opening hours, so residents and members of the public can contact us directly if they have any concerns about the venue.

Litter and recycling are key parts of the First Light Festival CIC 's Environmental sustainability ethos and systems will be established accordingly in conjunction with ESC, who are providing waste management for the venue. ESC also has an environmental commitment to litter/recycling.

A drinking-up period of 30 minutes will be imposed which will help to spread the departure of audience.

Strict outdoor performance and PA curfew at 23:00

Siting of all PA systems to take account of local residences

No over-night working

Glass being poured in to recycle bins outdoors will be restricted from 23:00-08:00 daily

Protection of children from harm

All staff and traders will be briefed on First Light's Safeguarding Children & Adults at Risk policy, reviewed annually in conjunction with Suffolk's Safeguarding Children Board.

Activity during regular openings times will be suitable for children and families. Where appropriate, age restrictions will be put on specific events and performances and these will be ticketed, e.g. DJs during first light festival

Experienced bar staff will challenge anyone who appears under the age of 25 to provide age identification (valid photo ID) otherwise they will be refused the sale of alcohol.

3.2 Following discussions with the Police during the consultation period, the applicant agreed to a further condition being included:

Where the venue is to be used for ticketed events or if the venue is hired to a private hirer, Suffolk Constabulary MUST be informed of the details, including the hirers name, address and company (if relevant) a minimum of 28 days in advance of the event taking place.

A plan of the premises is attached as **Appendix A**.

4. REASON FOR HEARING

4.1 Four representations against the application have been received from other persons however, three of these were withdrawn following agreement to the proposed changes to times for licensable activities. This means that there is only one representation from other persons against the application remaining.

4.2 One representation against the application has been received from the Environmental Protection Team at East Suffolk Council which is a responsible authority.

4.3 The applicant has been provided with a copy of the representations and these are attached as **Appendix B** for members of the Sub-Committee.

4.4 Summary of grounds for representation:

The main concerns are the late finish time on Friday & Saturdays (3am) as the late hours for the sale of alcohol and provision of regulated entertainment could lead to an increase in anti-social behaviour and change the character of the area. The building is unsuitable for the proposed operating plans and this will increase the noise and other disturbance to residents.

The representation received from the Environmental Protection Team mention that they have concerns due to the building's design not being sufficiently robust to contain loud noise such as that associated with the amplified music and the use of DJs. Therefore, an assessment is required to be undertaken by a noise consultant and until this is received, they must object to the application. It may be that conditions may be suggested once this noise assessment has been reviewed.

Although the Environmental Protection Officer may have further conditions (depending on the noise assessment) they did put forward these conditions if the committee was minded to grant a licence:

1. That once they had agreed on the outcome of the noise assessment that the noise management plan be conditioned as proposed in the application form.

2. That the standard timings in the application of –

Mon 8:30 23:00

Tue 8:30 23:00

Wed 8:30 23:00

Thur 8:30 00:00

Fri 8:30 01:00

Sat 8:30 01:00

Sun 8:30 23:00

be put as licence conditions.

3. That the Environmental Protection Team are to be informed of and agree to any events that are to be held outside these hours 28 days prior to the event, in accordance with the Noise Management Plan.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

- b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 28 March 2022 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

- 6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in

order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates Court.

6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	A plan of the premises
Appendix B	Representation (private document for the Sub-Committee only)

BACKGROUND PAPERS	
None	