

Unconfirmed



Minutes of a Meeting of the **Licensing Sub-Committee** held in the Deben Conference Room, East Suffolk House, on **Tuesday, 05 October 2021 at 2:00 PM**

Members of the Sub-Committee present:

Councillor Linda Coulam, Councillor John Fisher, Councillor Mark Newton, Councillor Rachel Smith-Lyte

Officers present: Martin Clarke (Acting Legal and Licensing Services Manager), Sarah Davis (Democratic Services Officer), Leonie Hoults (Licensing Officer), Alli Stone (Democratic Services Officer)

Others present: Mr M (applicant), Mr L (applicant's colleague), Mr B (objector), Mr P (objector), Mr C (objector), Mrs B (objector)

1 Election of a Chairman

Councillor Smith-Lyte was nominated by Councillor Newton to be Chairman of this Meeting of the Sub-Committee. The nomination was seconded by Councillor Coulam. There were no other nominations. Councillor Smith-Lyte was duly elected as Chairman.

2 Apologies for Absence

There were no Apologies for Absence

3 Declarations of Interest

There were no Declarations of Interest.

4 Declarations of Lobbying and Responses to Lobbying

There were no Declarations of Lobbying.

5 Application for a new Premises Licence: 55-57 Undercliff Road West, Felixstowe, IP11 2AD

The Sub-Committee received report ES/0912 of the Acting Legal and Licensing Services Manager. The Chairman invited the Licensing Officer to summarise the report.

The Licensing Officer confirmed that a new premises licence had been applied for the sale of alcohol on the premises, Late night refreshment indoors, Live and Recorded music indoors at Skye Lounge, 55-57 Undercliff Road West, Felixstowe. The hearing was required as five representations against the application had been received from

other persons. These representations were appended to the report and had been provided to the applicant and the Sub-Committee.

The Sub-Committee was advised that it was required to make its decision taking into account the Licensing Act 2003, the Council's Statement of Licensing Policy, and the Human Rights Act 1998, and if it had reason to depart from this it was asked to give full reasons for doing so.

The Sub-Committee was asked to determine this application by either 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 considered 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, or rejecting the application.

The Chairman invited questions to the Licensing Officer from the Sub-Committee.

There being no questions from the Sub-Committee, the Chairman invited questions from the applicant.

There being no questions from the applicant, the Chairman invited questions from those making representation.

There being no questions from those making a representation, the Chairman invited questions from the Legal Advisor.

The Licensing Officer confirmed that no objections had been received from responsible bodies, but that Environmental Health did comment that the applicant should be mindful of the residential properties to the rear of the premises.

The Chairman invited the applicant and his colleague Mr L to address the Sub-Committee.

Mr L stated that he and the applicant believed there was a gap in the market in Felixstowe for a venue which catered to a slightly older clientele than nightclubs and other bars in the town which attracted teenagers and young adults. The premises would be a venue with a friendly atmosphere which would host local music acts, and that they were keen to be a part of the community.

The applicant emphasised that they were aiming for a more upmarket venue and were not looking to act as a focal point for anti-social behaviour, and that they had taken comments from Environmental Health on board with the aim of minimising disturbance to local residents. The applicant referred to the planned layout of the premises which he believed would minimise disturbance, with the licensed area at the front of the property and the rear of the property being used for offices.

The Chairman invited questions from the Sub-Committee to the applicant and his colleague.

A member of the Sub-Committee asked the applicant to confirm why they had applied for a licence for live and recorded music for the period of 13:00 to 20:00 only. The applicant responded that although they would be legally permitted to have music until 23:00, they had applied for a licence until 20:00 as they did not want music playing too late into the night, recognising the comments from local residents.

A member of the Sub-Committee asked how the applicant was intending to engage with local residents. Mr L responded that they were aiming the venue at like-minded people with families who would not be likely to engage in antisocial behaviour. The venue would complement other nightlife in the town rather than being the last bar open. They planned to install CCTV to record anti-social behaviour which would be reported to the police, join local pub and night watch schemes, and soundproof the building to minimise noise pollution.

When questioned the applicant confirmed that they would be willing to set up a telephone number for local residents to get in touch and have their concerns addressed.

A member of the Sub-Committee asked for clarification of late night refreshment in the application and whether this referred to alcohol only or to other drinks and food. The applicant confirmed that soft drinks would be available until closing time and that they were currently considering offering bar snacks with drinks.

The Chairman asked why the applicant had applied for a licence to serve alcohol from 10am. Mr L explained that this was line with other licences in the area, and that in practise they would not be serving alcohol at this time but would be open for coffee and soft drinks.

A member of the Sub-Committee asked if the applicant would be providing a refusals register. The applicant responded that this was not in the application but they would be putting it in place.

A member of the Sub-Committee asked if the applicant would be willing to revise the Challenge 21 policy to Challenge 25. The applicant responded that they would.

A member of the Sub-Committee asked what the provisions were for disabled facilities. The applicant responded that the building would be refurbished and the provision of disabled facilities would be addressed.

The Chairman invited questions to the applicant and his colleague from the objectors.

An objector asked how the applicants would ensure their customers were the demographic they were aiming at. Mr L responded that they would be encouraging certain social groups and believed that they had a good knowledge of the town and community to aim the venue correctly.

An objector asked that although the venue could attract the desired clientele from the local community, the town attracted a number of holiday makers which would be harder to aim at. They added that this was an issue at other venues in the town. The applicant responded that the venue would not be in an area with a concentration of venues, and that with a lower age restriction behaviour would be better.

The Chairman invited questions to the applicant from the Legal Advisor.

The Legal Advisor asked what the hours for door security would be. The applicant responded that they would aim to have security on a Friday and Saturday evening with the view to add security on additional nights if necessary. This was in line with the security arrangements at other venues in the town.

There being no further questions, the Chairman invited Mr P, who had objected to the application, to address the Sub-Committee.

Mr P stated that he lived behind the premises and believed that there would be problems with crime and especially disorder, as documented at other venues in the town. The area immediately surrounding the premises was a family area, consisting of cafes, shops and a leisure centre. There would be no outside space for smokers at the venue apart from the pavement in front of the premises which would cause a nuisance for pedestrians and residents. Noise from the venue would bounce back to the properties behind as had happened with groups gathering outside the leisure centre. Mr P was particularly concerned about noise at closing time, as with other venues in the town this was when most disturbance to residents occurred. Mr P concluded that this was an application too far.

The Chairman invited Mr C, who had objected to the application, to address the Sub-Committee.

Mr C stated that he did not believe the disturbance to residents was solely due to younger people. Once customers left the venue they would be the problem of local residents, not the premises, and that as venues in the town closed at night problems would spread. He added that a venue opening in this area would perhaps encourage other similar venues, compounding the issue. Mr C stated that disturbance was a regular issue and was not isolated to certain dates. He stated that whilst new businesses would be welcome in the area, they needed to fit in with the family feel of the area, and that he felt despite the best intentions of the applicant this premises would cause issues for local residents who had a right to some peace and quiet at their properties and for their families.

The Chairman invited Mr B, who had objected to the application, to address the Sub-Committee.

Mr B shared photographs to demonstrate the distance of the venue to the residential properties behind.

The meeting was adjourned from 14:49 to 14:55 to allow the Democratic Services Officer to provide a copy of the photographs to the Sub-Committee and applicants.

The Chairman invited questions to the objectors from the Sub-Committee.

A Sub-Committee member asked for confirmation of the detail of the photographs. Mr B confirmed that the photograph showed the rear of the premises, an alleyway and a concrete wall topped with a wooden fence. The ground level of the neighbouring properties was approximately half way up the concrete wall, and that the gardens and properties were higher than the ground level of the premises in front.

A Sub-Committee member asked for confirmation of access to the alleyway. The applicant answered that the alleyway was not a thoroughfare, but access for the premises and reiterated that the rear of the premises would be offices. The applicant also confirmed that the alleyway would not be publicly accessible from the premises except in an emergency, and that the premises included three feet of pavement at the front which would be signposted for smokers.

There being no questions from the Licensing Officer, the Chairman invited the applicant and Mr L to ask questions to the objectors.

Mr L stated that he sympathised with the objectors as and stated that he did not believe that the premises would be interrupting on family dates such as Christmas, as he and the applicant also had families they would want to be with.

There being no questions to the objectors from the Legal Advisor, the Chairman invited the applicant to sum up.

The applicant summarised that he had listened to and appreciated the concerns raised by the objectors, and that he would be running a professional company which was not aiming to become a nightclub. The premises would have CCTV and other measure in place to reduce nuisance, and they would consider other changes to alleviate pressure on the local community. Mr L added that they would like to complement the business already present in this area.

The Chairman invited the objectors to sum up.

Mr C summarised that a pub in this area had closed down in previous years due to losing its music licence. He also expressed concern over the vetting of clientele to ensure minimum disruption to the area and did not see the need for an additional venue of this sort in the town.

Mr P added that Felixstowe had a large number of drinking establishments, and there was no need for an additional venue serving alcohol to exacerbate the anti-social behaviour issues already present in the area. Residents of the area did not have anywhere else to go, and the planned venue would only add to stress on local residents. The area and the premises were unsuitable.

DECISION NOTICE

The Skye Lounge Ltd has applied for a new premises licence at the Skye Lounge, 55-57 Undercliff Road West, Felixstowe, IP11 2AD, which would allow:

- *The sale of alcohol on the premises*

- *Late-night refreshment indoors*
- *Live and recorded music as well as anything of a similar description indoors*

This Sub-Committee has been held as 5 objections were received against the application from residents.

In arriving at this decision, the Sub-Committee has taken into consideration the oral and written representations submitted by all parties, the guidance under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. The Licensing Officer's report also drew the Sub-Committee's attention to its obligations under the Human Rights Act 1998.

The Sub-Committee heard from the Council's Licensing Officer, Ms Hoult, the applicant and his colleague Mr L and 3 local residents, Mr C, Mr B and Mr P.

All parties present at the Hearing were permitted to ask questions of their counterparts throughout the Hearing. The Licensing Officer presented her report first and indicated that neither the Police or Environmental Health had objected, however Environmental Health had offered guidance and in particular expected the premises operators to be mindful of the local residents.

The Applicant's submission

The applicant submitted that there was nothing on the market for residents of their age and they wished to cater for a slightly older clientele than nightclubs and other bars in the town which mainly catered for teenagers and young adults. They were keen to avoid any antisocial behaviour and would adhere to comments from environmental health and work with the local community. They also added that they had wanted to open a bar for a number of years and were local to the area and were mindful of the concerns of the residents. On questioning the applicant agreed that they would operate a Challenge 25 scheme as well as maintain a refusals register and would be prepared to have door supervisors on a Friday and Saturday and other days if needed. They were also happy to work with local residents and provide a telephone number for residents.

The Objectors' submissions

The Sub-Committee also heard from 3 local residents, Mr C, Mr B and Mr P. The objectors expressed concern over the vetting of clientele and suggested that the premises should be a members only venue. They were also concerned that the venue was unsuitable for the area and that despite the applicants best intentions the venue would attract antisocial behaviour. They produced photographs which showed the rear accessway and the rear gardens of the properties. They were also concerned that if one venue opened it would encourage similar venues and therefore cause disruption.

All parties present at the Hearing were given the opportunity to sum up.

Sub-Committee's decision

After considering the application and the representations, both written and oral, the Sub-Committee has decided to:

Allow the premises licences to be granted subject to the conditions proposed in the application, to be varied as followed

A. Challenge 21 to become Challenge 25

B. Door security to be provided on Friday and Saturday evenings from 9pm until close

C. A phone number is to be provided to local residents to enable them to communicate any comments to the licence holders

D. A refusals register is to be maintained and to be available on request to the Police and or Licensing Officers.

Whilst the Sub-Committee noted the residents concerns, the Sub-Committee was mindful of the fact that the residents gardens were raised above the premises and that the rear accessway was wide enough for a car to travel down and was not intended to be accessible by the public except in emergencies. The Sub-Committee was also mindful of the fact that the premises opening hours would be limited to serving alcohol until midnight and 1am on Fridays and Saturdays. In addition the applicant has agreed to limit live music to 8pm in the evening showing consideration for residents.

The Sub-Committee noted that the applicant had agreed to operate a Challenge 25 process, maintain a refusals register and provide a telephone number for local residents.

The Sub-Committee also noted that the responsible bodies had not objected and placed significant weight on this as they are the experts in their field.

Given this the Sub-Committee was satisfied that granting the Licence on the above terms will further the licensing objectives.

In arriving at its decision, the Sub-Committee has given due consideration to the representations made, the statutory guidance (in particular paragraph 9.12 and 9.15) and the licensing objectives contained in the Licensing Act 2003 and taking into account the provisions of the Human Rights Act 1998.

The Licensing Sub-Committee also considered the Council's own statement of Licensing Policy and in particular paragraph 14.

Anyone affected by this decision has the right to appeal to the Magistrates' Court within 21 days of receiving this notice of the decision. Any person can make an application to the Licensing Authority for a review of the premises licence if they believe the licensing objectives have been compromised by the applicant at any time.

Date: 5 October 2021

The meeting concluded at 4:34 PM

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Chairman