



LICENSING SUB-COMMITTEE

Tuesday, 5 October 2021

APPLICATION DETAILS

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| Type: | New – Premises Licence |
| Name of Applicant(s): | The Skye Lounge Limited |
| Address of Applicant(s): | 227 Langer Road, Felixstowe, IP11 2EE |
| Type of applicant (Premises Only): | Company |
| Name of Premises: | Skye Lounge |
| Address of premises: | 55-57 Undercliff Road West, Felixstowe, IP11 2AD |
| Description of Premises: | Cocktail Bar |

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol on the premises, Late night refreshment indoors, Live and Recorded music indoors.

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| Is the report Open or Exempt? | Open |
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| Wards Affected: | Eastern Felixstowe |
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| Cabinet Member: | Councillor Mary Rudd, Cabinet Member with responsibility for Community Health |
| Supporting Officer: | Leonie Houlton Licensing Officer 07733 362154 Leonie.Houlton@eastssuffolk.gov.uk |

1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – on sales

Sunday to Thursday 10:00 to 00:00
Friday & Saturday 12:00 to 00:30
11:00 to 00:45 on Easter, May Day, Whitsun and August Bank Holiday Fridays and Saturdays, Christmas Eve, Boxing Day and New Year's Day.
11:00 to 00:30 on Easter, May Day, Whitsun and August Bank Holidays Sundays.

Late night refreshment – indoors

Sunday to Thursday 23:00 to 00:00
Friday & Saturday 23:00 to 01:00
23:00 to 01:00 on the following days: Easter Sunday, May Day Sunday, Whitsun Bank Holiday, August Bank Holiday, Christmas Eve, Boxing Day and New Years day

Live music – indoors

Monday to Sunday 13:00 to 20:00
31st October 13:00 to 23:30, 24th December 13:00 to 23:30, 31st December 13:00 to 00:30.

Recorded music – indoors

Sunday to Thursday 10:00 to 00:00
Friday & Saturday 10:00 to 01:00
11:00 to 01:15 on Easter, May Day, Whitsun and August Bank Holiday Fridays and Saturdays, Christmas Eve, Boxing Day and New Year's Day.
11:00 to 01:00 on Easter, May Day, Whitsun and August Bank Holidays Sundays.

(Although mentioned on the application, live and recorded music are permitted by deregulation until 23:00 anyway)

2. PROPOSED OPENING HOURS

Sunday to Thursday 10:00 to 00:00
Friday & Saturday 10:00 to 01:00
11:00 to 01:15 on Easter, May Day, Whitsun and August Bank Holiday Fridays and Saturdays, Christmas Eve, Boxing Day and New Year's Day.
11:00 to 01:00 on Easter, May Day, Whitsun and August Bank Holidays Sundays.

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

1. Alcohol will not be sold or supplied except during permitted hours
2. Challenge 21
3. Door security

Prevention of crime and disorder

1. The Licensee/DPS will actively participate in a local Pubwatch/Nightsafe scheme(s) (or similar) where such a scheme operates within the locality of the premises.
2. The Licensee will provide/install and maintain CCTV equipment at the premises in full working order. All recordings will be retained for at least 28 days and will be made available to an authorised officer of the Licensing Authority or Police on demand.
3. The Licensee will comply with Nightsafe policy on responsible drinks promotions.
4. The Licensee will ensure that all bar staff sign and uphold the companies' "Social Responsibility" document.

The Licensee will display notices that drinking glasses/bottles cannot be taken off the premises.

Public safety

The Licensee will ensure that all exits and escape routes are clearly identified, kept free from obstruction and available for immediate use in the event of an emergency during licensable activities.

2. The Licensee will ensure that all soft furnishings are fire retardant treated and provide copies of certificates on request to any authorised officer.
3. The Licensee will clearly display a fire evacuation policy on the premises.
4. The Licensee will provide a fire alarm system and maintain it in good working order.
5. The Fire Service will be called in the event of any outbreak of fire.
6. The Licensee will ensure that the following systems are maintained and inspected by a suitably qualified professional person in accordance with the appropriate British Standard and at intervals recommended in national guidance, and will keep the records of such inspections available for inspection by authorised officers on request:
7. Electrical appliances
8. Fire alarm systems

Prevention of public nuisance

1. The Licensee will take the appropriate steps (e.g. signage and/or sufficient staff on site) to ensure that customers behave in a quiet manner when using the outside area(s) of the premises and when departing.
2. After 23:30hrs all external doors and windows must be kept closed, other than for access and egress.
3. The volume of the amplification system shall be strictly controlled so that noise levels are non-intrusive at nearby residential properties.
4. In the event that additional ventilation is installed within the public house, the proposed scheme shall be submitted to the Head of Health, and only a scheme approved by the Head of Health shall be installed at the premises and maintained in approved form thereafter.

Protection of children from harm

1. The Licensee will ensure that children are not permitted in the bar area, other than for access and egress.

The application including a plan of the premises are attached as **Appendix A**.

4. REASON FOR HEARING

- 4.1 Five representations against the application have been received from other persons.

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

4.3 Summary of grounds for representation:

The main concerns are that the premises is located in a residential area and therefore, having a venue that could be playing loud music on a regular basis as well as serving alcohol until late will cause a disturbance to local residents. There has already been an increase in noise and disturbance since the pier has been revamped and this closes at 11pm, this premises could be open until 1am.

There is also the possibility of anti-social behaviour as there are already issues from drunken patrons of other local establishments shouting, swearing and throwing empty bottles into gardens.

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 28th September 2021 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 | |
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| Appendix A | Application form including a plan of the premises |
| Appendix B | Representation (private document for the Sub-Committee only) |

| BACKGROUND PAPERS | |
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| None | |