



Agenda

Meeting: **Licensing Sub-Committee**
Date: **5 December 2023**
Time: **10.30 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To Councillors Cooper, Fuller and Thomas - Licensing Sub Committee**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Please note there will be 37 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

1. **Election of Chairman for the meeting**
2. **Apologies of absence**
3. **Declarations of interest (Pages 3 - 4)**

Queries about the agenda? Need a different format?

Contact Sue Lewis – Tel: 01303 853265
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

4. **An application for a Premises Licence in respect of: IOH Deli, 17-19 High Street, Hythe CT21 5AD (Pages 5 - 34)**

This report outlines the application made by Mr William Dunlop for a Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application

5. **Declarations of lobbying (Pages 35 - 36)**

Members should complete the enclosed form and return it to the Committee Administrator at the meeting.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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This report will be made public on 24 November 2023



Report Number **DCL/23/27**

To: Licensing Sub-Committee
Date: 5 December 2023
Status: Non-Executive Decision
Head of service: Andrew Blaszkowicz, Director – Housing and Operations

SUBJECT: An application for a Premises Licence in respect of: IOH Deli, 17-19 High Street, Hythe CT21 5AD.

SUMMARY: This report outlines the application made by Mr William Dunlop for a 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 for a 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/23/27.
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. Ivy's of Hythe was granted a Premises Licence on 27th September 2021. The company subsequently went into liquidation and therefore the Premises Licence at the time lapsed. The previous licence had the following licensable activities on it:

Hours open to the public: Mon-Sun 07.30 – 23.00

Sale of alcohol On/Off Sales: Mon-Sun 08:00 – 22:30

2. APPLICATION

- 2.1 On the 24th October 2023 Mr William Dunlop submitted a completed application for the premises previously known as Ivy's of Hythe, on Hythe High Street.

The new application for IOH Deli is for:

Hours open to the public: Mon-Wed 08:00 – 23:00 Thurs 08:00 – 23:30
Fri/Sat 08:00 – 00:00 Sun 08:00 – 22:00

New Year's Eve 08:00 – 01:30

Sale of alcohol On/Off Sales: Mon-Wed 08:00 – 22:30 Thurs 08:00 – 23:00
Fri/Sat 08:00 – 23:30 Sun 08:00 – 21:30

New Year's Eve 08:00 – 01:00

Late night refreshment: Thurs 23:00-23:30 Fri/Sat 23:00-00:00

Through the Live Music Act 2012, Live Music and Recorded Music were deregulated and are not considered licensable activities between 8:00 – 23:00 where there is an alcohol licence in place, therefore those activities are not shown above.

- 2.2. Additional explanation:

Opening hours – these are the times when the premises will be open, this can be inside and outside but doesn't take into account the Operating Schedule which may further restrict the use of the premises. For clarity, the rear garden and the pavement seating must close by 22:00.

Sale of alcohol – On Sales always finish 30 minutes before closing time so that customers have 'drinking up' time.

Late night refreshment – if hot drinks and hot food are to be served after 23.00 an applicant must apply for Late night refreshment. If a premises is open past 23.00 it is recommended that they offer coffees and snacks.

The Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 dated December 2022, advises that if conditions are imposed deregulation has the effect of suspending them between 08.00 and 23.00 where the following criteria are met:

- The music takes place between the hours of 08.00 and 23.00.
- At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises and;
- If the music is amplified, it takes place before an audience of no more than 500 people.

If live or recorded music is played outside of 08.00 to 23.00 any conditions applied to the licence will come into effect. For example, if live music is played from 19.00 to Midnight conditions will only apply from 23.00 to midnight.

Only in the event of a Review of a Premises or Club Licence does the Licensing Act 2003;

- Under s177A(3) allow a Local Authority to lift the suspension applied to deregulated live and recorded music between 08.00 and 23.00, which in turn effectively removes the deregulation and allows any existing conditions to have effect during these periods and;
- Under s177A(4) permit the Local Authority to add conditions to music as if it were regulated entertainment.

This Guidance goes on to advise that more general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will have effect despite this deregulation of music.

The application for a Premises Licence can be seen at Appendix 1.

3. RELEVANT REPRESENTATIONS

- 3.1. This Hearing has been required by the Licensing Act 2003 because valid representations were received from Environmental Health 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

Members of the Public	Numbers Received
Objections	8
In Support	27

The representations can be found at Appendix 2.

4. OPTIONS

4.1. The Licensing Sub-Committee has the following options:

- a) Grant the Application
- b) Grant the Application with amendments
- c) Add conditions to the Licence
- 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

Councillor's 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:

The Folkestone & Hythe Statement of 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. Application for a Premises Licence

Appendix 2. Representations

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Folkestone & Hythe District Council

(Page 1 /20)

Your name

William Dunlop

Email

[REDACTED]

(Page 2 /20)

Business name

IOH Deli Ltd

Postal address of premises (inc postcode) or, if none, ordnance survey map reference or description

17-19 High Street Hythe CT21 5AD

Telephone number at premises (if any)

[REDACTED]

Premises band (check the Non domestic rateable value Main fee levels - GOV.UK . This will be used to calculate the correct fee)

B

Applicant details (Page 3 /20)

In what capacity are you applying for the premises licence?

as a limited company/limited liability partnership

Please confirm one of the following

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Details of applicant

Full name

William Dunlop

[REDACTED]
[REDACTED]

Registered number (where applicable)

14966268

Folkestone & Hythe District Council

Description of applicant (for example partnership, company, unincorporated association etc.)

Director

[REDACTED]

[REDACTED]

Email

[REDACTED]

(Page 4 /20)

When do you want the premises licence to start?

16/11/2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises

The premises is a cafe, bar, restaurant. We intend to have live or recorded music in the garden twice a month in good weather, at other times we will only have background incidental music in the garden if people are using it for licensable activities.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

(Page 5 /20)

Provision of regulated entertainment (tick all that apply)

- Provision of late night refreshment

- Supply of alcohol

Late night refreshment (Page 14 /20)

Monday Start Monday Finish

Tuesday Start Tuesday Finish

Wednesday Start Wednesday Finish

Folkestone & Hythe District Council

Thursday Start Thursday Finish

23.00 23.30

Friday Start Friday Finish

23.00 00.00

Saturday Start Saturday Finish

23.00 00.00

Sunday Start Sunday Finish

Where will the provision of late night refreshment take place?

Indoors

Further details

We will only use LNR on occasion but we would like the flexibility to be able to offer coffees and hot snacks towards the end of the evening.

Seasonal variations for the provision of late night refreshment

Details of where you intend to use the premises for late night refreshment at different times to those listed

Supply of alcohol (Page 15 /20)

Monday Start Monday Finish

08.00 22.30

Tuesday Start Tuesday Finish

08.00 22.30

Wednesday Start Wednesday Finish

08.00 22.30

Thursday Start Thursday Finish

08.00 23.00

Friday Start Friday Finish

08.00 23.30

Saturday Start Saturday Finish

08.00 23.30

Sunday Start Sunday Finish

08.00 21.30

Where will the supply of alcohol take place?

Both

Will the supply of alcohol be for consumption?

Folkestone & Hythe District Council

Both

Seasonal variations for the supply of alcohol

NYE until 01.00

Details of where you intend to use the premises for the supply of alcohol at different times to those listed

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor. (Page 16 /20)

Full name

William Dunlop

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Personal licence number (if known)

FHDC1815

Issuing licensing authority (if known)

FHDC

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Hours premises are open to the public (Page 17 /20)

Monday Start Monday Finish

08.00 23.00

Tuesday Start Tuesday Finish

08.00 23.00

Wednesday Start Wednesday Finish

08.00 23.00

Thursday Start Thursday Finish

08.00 23.30

Friday Start Friday Finish

08.00 00.00

Saturday Start Saturday Finish

08.00 00.00

Folkestone & Hythe District Council

Sunday Start Sunday Finish
08.00 22.00

Any seasonal variations
NYE until 01.30

Details of where you intend the premises to be open to the public at different times to those listed

Describe the steps you intend to take to promote the four licensing objectives (Page 18 /20)

General – all four licensing objectives
OS to be emailed over

The prevention of crime and disorder
OS to be emailed over

Public safety
OS to be emailed over

The prevention of public nuisance
OS to be emailed over

The protection of children from harm
OS to be emailed over

Additional information (Page 19 /20)

Upload a plan of the premises
IOH plan.pdf

Upload the consent of individual to being specified as premises supervisor
WDunlop DPS Consent.pdf

Upload proof of entitlement to work in the UK (see guidance notes on website)
WDunlop proof born in England.pdf

Declaration (Page 20 /20)

- (Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and

Folkestone & Hythe District Council

that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their

- right to work (please see note 15) .

- FHDC will send copies of this application and plan to responsible authorities and others where applicable, on my behalf.

I understand that I must advertise my application.

- I understand that if I do not comply with the above requirements my application will be rejected.

I am authorised to act on behalf of all applicants where there is more than one applicant.

Full name Date

William Dunlop 19/10/23

Capacity

Director

Representations

Representation 1

Stance: Object

Name: Environmental Health

Address: Folkestone & Hythe District Council

Environmental Health object to the granting of this license under the prevention of public nuisance, subject to the following added to their operating schedule:

- Garden rear exit to be closed at 21:00hrs.
- Rear external areas to close at 21:00hrs.
- Clear signage (inside and out) to remind patrons to be respectful to the neighbours whilst on and leaving the premises.
- Staff to assist the quiet dispersal of patrons from the front of the premises.
- Staff to monitor smoking areas to ensure patrons are not causing a disturbance to nearby residential premises.

Reasons for objection and the proposed change to the operating schedule:

The council have received a significant number of noise complaints concerning this premises from several separate households.

Our out of hours officers have witnessed noise deemed to be unreasonable on four occasions from this premises in the one year that we have been investigating. There have been other calls to our out of hours office when our service has either been unavailable, or we have otherwise failed to witness the noise. The noise witnessed has been from amplified music being played in the rear garden, and also loud voices from patrons both in the rear garden and on the street to the front of the premises. We have not established the presence of Statutory Noise Nuisance.

We feel that the suggested conditions represent a compromise, acknowledging the mixed domestic and commercial area and requiring a level of concession from all parties. Putting restraints on the use of the outdoor areas and rear gate access will minimise the impact to neighbouring residents, while still allowing the business to function effectively.

Patrons' behaviour should be actively monitored by members of staff and appropriate action taken to prevent any adverse impact to neighbouring properties. Noise created by operations at the premises will still need to be reasonable within this framework and any subsequent complaints of noise will be investigated in

accordance with the provisions of the Environmental Protection Act 1990. The license can also be called in for a review.

Representation 2

Stance: Object

Name: Mr & Mrs Sebestyen

Address: High Street, Hythe

I wish to object to the licence application (number PR-202310-95529) for IOH Deli (formally Ivy's of Hythe). My objection is based on my concerns that this licence will increase the possibility of public nuisance for the many dwellings nearby, including my own.

I am mainly concerned about the noise nuisance as this was a problem previously with this establishments original licence (PR202107-69439).

With this new application, the timings for opening and sale of alcohol have been increased. This is unacceptable for residents of the High Street and the streets surrounding.

There have been many occasions previously where noise has caused issues for local residents and these incidents have been well documented with the Environmental Health department and Licensing department. This documentation includes evidence obtained and visits from the out of hours officers.

The noise level has been excessive and intrusive. If you then factor in the frequency, it will become unbearable. This noise nuisance does not just include what can be heard from the back of the building (from the garden) but also from the front of the building in the main high street when customers are leaving/socialising. This raises concerns for the possibility of low level disorder.

Whilst I have no objection to the applicant having a licence to serve alcohol, I think given the location of the property and its close proximity to many residential homes, it would be unfair for those residents to be subjected to the inevitable noise that arises from customers intoxicated by alcohol, as well as the music that goes along with that. Therefore restricting the timings on the sale of alcohol/opening would be more appropriate for this establishment.

I would grateful if the Licensing department would consider the points I have raised in my objection to this application.

Representation 3

Stance: Object

Name: Steve Leach

Address: Hillside Street, Hythe

The Ivy's of Hythe development from a cafe to a pub/music venue over the past two years has transformed a previously quiet residential back street.

Houses in Bartholomew Street, Upper Malthouse Hill and Hillside Street can no longer enjoy the peace of their gardens at the weekends due to loud, live music, and customer noise reverberating off the close buildings to annoy many people in the area. These evenings at the Ivy often conclude with inebriated customers spilling out of the newly formed rear entrance onto a dark, unpoliced Bartholomew Street/Upper Malthouse Hill junction causing a public nuisance. In the past, fights have broken out accompanied by high volume, foul language arguments. The quiet, safe road of largely retired folk, feel intimidated when accessing their front door, in some cases, only feet from the cafe/pub's property.

Complaints about noise and unruly behaviour have already been made, but appear to have gone unheeded.

The provision of late-night refreshment will only encourage late night drinking, bringing further disorderly behaviour from customers who have already visited other drinking venues, and litter to a street not cleaned by the council on a regular basis.

Extending the licence will only extend the misery further and allow the applicant to trade, potentially, past eleven o'clock and to midnight two days a week. Customer noise, incidental music and anti-social behaviour will become a regular feature of living in this formerly peaceful area, - the reason why many moved here in the first place. No doubt further applications will be made in due course to extend the hours and frequency of live performances making living here intolerable. The location of the premises is inappropriate for this type of business.

Representation 4

Stance: Object

Name: Julie Miller

Address: Hillside Street

I live very close to the café/restaurant in this application. I am close enough to hear the music played in the garden during the summer months. It is quite annoying, but I have not yet felt a need to complain, as it is not all the time, and seemed to be controlled to finish at a reasonable time in the evening.

But now that I see a license to extend the opening hours has been applied for, I am concerned that this will also extend musical activities in the future, be it live bands or

incidental music.

And I worry that with the consumption of alcohol later into the evening, there is potential for people leaving the premises to create a public nuisance in my street and the streets around. This will not just be at weekends either, as the weekday closing proposed is 23.00/23.30.

The cafe has a rear entrance/exit, so it will not be just the high street that has people spilling out late into the night, which, being a high street, you would expect, but into the narrow streets behind.

The application includes a 'Provision of Late Night Refreshment'. This has the potential to create more disorder around the rear exit and surrounding streets. I often have to leave early for work on weekends, as well as weekdays, so this is already a nuisance to me.

What started as a small café, has extended into a bar/restaurant, a live music venue, and now potentially a late-night bar.

Representation 5

Stance: Object

Name: Anonymous

Address:

I would like to raise some objections to the licence application - PR202310-95529 IOH Deli formally known as Ivy's of Hythe.

The main shop front of Ivy's is on the High Street, the shops on both sides have residential flats above them. The garden is to the rear, directly on Bartholomew St which is a quiet, residential street with private houses, apartments, flats and a large retirement home. Ivy's garden is therefore surrounded by people's homes, bedrooms etc.

There are three main issues:

1. Recorded music. Canned music is played more or less all day in good weather, regardless of occupancy. It is of a level to be perfectly audible at the front of my house. I now have to live my life with a constant soundtrack of pop music coming across to me from Ivy's and I consider this to be detrimental to the enjoyment of my home. Before Ivy's opened I could sit on the small patio outside the front of my house and read a book, talk with a friend or just be at peace. This simple enjoyment of my home has now been taken away from me.

2. Live music. The live music from Ivy's is amplified to quite a high level and, although Ivy's 'promise' to control it when complaints are made, it always reverts

back to the high level. Even at lower levels the sound is still intrusive, and even with windows closed the music is clearly audible in every room in my home. Live music is not essential for a deli garden and Ivy's should acknowledge the fact that this has been causing considerable distress to many of the surrounding neighbours and just stop.

3. Anti social behaviour. All too often there is shouting and hooting from people in the garden who have had a little too much to drink and want to let off some steam. In my opinion this is inappropriate for this residential area which is also in a conservation zone. Ivy's are unable (or unwilling) to control the clients, especially around closing time. After all, the more the customers drink the more money Ivy's make.

The council have witnessed some of these events and there is a file containing complaints with Mr Daniel Stone, the council's environmental and protection specialist.

In conclusion I believe that the noise from Ivy's constitutes a Statutory Nuisance under the Environmental Protection Act of 1990 and a restriction should be put in place to stop both recorded and live music being played in the garden. Additionally, the garden should close at a reasonable time (ie 9pm) to ensure that the surrounding community do not have to put up with the loud, drunken behaviour of a handful of people every weekend.

Representation 6

Stance: Object

Name: Anonymous

Address:

We wish to object to the licence application number (PR202310-95529) for the IOH Deli formally known as Ivy's of Hythe.

Since Aug 2022, the neighbours in the vicinity of Ivy's (up and to including North Road) have been subject to weekend after weekend of excessive noise from the playing of amplified music on Friday and Saturday evenings and on occasion on Sunday afternoons. This has also been compounded by an elevated level of noise generated by the patrons on these and other occasion. Coupled with this has been a pattern of low-level intimidation from Mr Dunlop over a period of months and whenever complaints have been made, he has made his thoughts on the complainants clear in no uncertain terms.

All the above activity is well documented in the file that the council holds on the months of feedback from both neighbours and more importantly, the council's own Out of Hours officers who have witnessed the activity on several occasions.

The new licence application is looking to extend the hours beyond those in place

prior to Ivy's being put into liquidation and the request is inappropriate and given the information above and we wish to object to the application.

We are all in favour of a thriving high street and have no issue with a licence to sell alcohol inside but the sale of alcohol in the garden and the playing of any form of amplified music is not appropriate. Our suggestion would be the licencing hours currently in place for the TEN licences be carried forward as the new licence.

Finally, we understand that Mr Dunlop is saying that he is extending the garden area of Ivys's into the garden of the adjoining properties. If this is the case, it will only further exacerbate the problems with noise and make it even more imperative that a sensible approach to the licence is taken.

Representation 7

Stance: Object

Name: Mark Wilkins

Address: Hillside Street, Hythe

I am objecting to the application number PR-20231095529 for IOH Deli, previously known as Ivys Of Hythe.

The level of noise coming from the garden of the premises in recent times has been intrusive and has impacted negatively on the quality of the lives of the surrounding neighbours, myself included. The proposed opening hours are an increase to those that have been suffered to date which is unacceptable and will only serve to worsen the problem. The disturbances caused by the premises have been well documented with Environmental Health.

The applicant's argument seems to be that the neighbours should not have purchased a property close to the High Street and a licenced premises. The reality is that we all knew our houses were in close proximity to the High Street. The licenced premises came later. Had it done so in a respectful and orderly fashion it would be well supported by its neighbours. It did not. Instead it came with complete disregard to its neighbours who have had to suffer unacceptably loud live and piped music during unsociable hours, intoxicated customers who inevitably become loud and on occasion, disorderly. The proposed lengthening of the licenced hours will only serve to exasperate the intolerable situation which has been created by the premises. This is unacceptable and unfair to the neighbouring residents who simply wish to enjoy their homes as they once did, in a peaceful and comfortable fashion.

Representation 8

Stance: Object

Name: Charlie Targett-Adams and Sabina Cehajic

Address: Hillside Street, Hythe

We write to make representations in respect of the application by Ivy's of Hythe for a licence.

We are neighbours that are and have been affected by the loud amplification and projection of music from the Ivy's garden and we do not support the application to extend this to even later. We are unsure how the licence to play such loud music from the garden was approved in the first place; we were not aware of any notices such as the notice that has been published in respect of the current application.

The reasons for our concern if the application is to be granted are as follows:

1. The music is played not on the High Street as the owners appear to suggest but in the back garden of the property which is on Bartholemew St. In fact, the entrance to the garden is on Bartholemew St and their bar operates from Bartholemew St.

2. The music is played at levels so loud that it is clearly heard some 2 roads away inside our property on Hillside Street. It is, not, therefore, properly to be described as background music. It is much more akin to a live concert.

3. The music is projected into the garden away from the High Street and Ivy's building carrying it very far up the hill. Our sister (/in-law) can often hear it on North Road.

4. We are young professionals who often start work early even on weekend mornings and if the music were allowed to resemble a night club until as late as midnight this would have a very detrimental effect on our mental and physical health through lack of sleep.

5. We did not and never have chosen to live on the High Street, where the business is registered and should happily operate. The fact is, it operates on Bartholemew Street instead, which is a residential street. We are not aware that any other businesses can or do play such loud music on Bartholemew Street.

6. The licence would set an extremely dangerous precedent. What if each of the High Street businesses that have gardens on Bartholemew Street were given similar licences and each started playing different competing loud live music up the hill?! Life would become unbearable!

7. We are concerned by the owner's response to complaints about the level of noise created by the music. We have read online some very nasty comments from the owners who do not seem to care or appreciate quite how loudly they are projecting the music that they play in the garden.

8. We are all in support of local businesses, and we regularly use the High Street, but their operations should be confined to the High Street or indoors like the majority

do - especially with live music. Instead of creating an Airbnb let, the owners should have thought about creating more space inside for their restaurant business if that is what they truly want to develop.

7. We have no issue with noise created by customers eating in the garden. That does not carry so loudly that it can be heard inside our house. We have eaten at the restaurant ourselves and enjoyed it very much. This was before the live music was introduced and this has put us off going back. We can only imagine how loud the music must be in the garden itself when we can hear it inside our house roads away. So our issue is not with the business itself, rather the issue is solely with the very loud music being played through large speakers and amplifiers.

Representation 9

Stance: Support

Name: Kristie Scotland

Address:

I am just writing to express my feeling towards a cafe/restaurant - music venue, known as the Ivy's of Hythe.

It has come to my attention that complaints have been made regarding this considerably new, fresh and prominent establishment - due to noise. The Ivys of Hythe are offering subtle live music every weekend whilst customers enjoy the great food and atmosphere that the place has to offer.

It would be a terrible shame for a place that has settled into the high street so well to be restricted. It is a very popular place and I for one love going there regularly, it brings a new vibrant feel to the town.

I am hoping that the licensing issue can be resolved in a way that does not affect the company. The music is what Ivy's is well known for, so to take it away would be catastrophic.

Representation 10

Stance: Support

Name: Teresa Scotland

Address: Canterbury Road, Folkestone

We have been using Ivy's of Hythe very regularly since it opened its doors and think that it is an absolutely great venue for food and some live music.

As far as my experience is the licence for music is extremely important to what is now a well established and popular restaurant in Hythe community. I for one would

be very upset not to be able to enjoy what Ivy's has to offer ie: beautiful garden/music, food, which must have taken an awful lot of hard work.

This venue is the reason myself and my family visit Hythe so often. I have never witnessed a late night or a noisy/disruptive time and could not understand the reasoning behind taking/limiting somebody's livelihood when it is such a popular and successful place. I would go as far as to say it would deter us and others from shopping in Hythe as often as we do.

Representation 11

Stance: Support

Name: Diane Wilson

Address: Douglas Avenue, Hythe

This is a well run establishment and a credit to the High St. I have been in the garden on several occasions in the summer months when music has been playing and I and my friends have never found it intrusive. We are not youngsters, our ages range from under 60 to 90!

Representation 12

Stance: Support

Name: Audrey Cockram

Address: Napier Gardens, Hythe

These premises make High st a more ennobled leisure walk and pop in place not only in the day but the evening the owners have worked extremely hard to make this a local place to eat and drink and enjoy the sunshine in their beautiful garden which draws people to the town and the other shops pubs etc

Representation 13

Stance: Support

Name: Miss L Hazelden

Address: Octavian Drive, Lympne

I would like to offer some words of support towards Ivys of Hythe, High Street, Hythe.

I have visited this premises as a customer at varying times/days and it is obvious that the owners have invested a lot of money and time in bringing this premise to our predominantly independent business High Street and want to make it work.

I suspect that it may be very hard for a business to operate financially relying only on the small indoor seating area all year, so the extra opportunities and diversification where possible should be supported to keep the business viable.

The addition of low key Live music and special menu evenings are a fantastic contribution to our community for locals and visitors alike. It is also a great venue for local talented musicians to be able to work.

Hythe in general isn't a 'rowdy area' and Ivy's does not attract a 'troublesome clientele', it all appears to me to be tastefully and respectfully done.

I hope I will be visiting Ivys for a long time and that others continue to support businesses just like this one, encouraging others to try something a little different in our area and contribute towards making our local economy to grow.

Representation 14

Stance: Support

Name: Sheila Knapinski

Address: Bouverie Road West, Folkestone

I feel very strongly about Ivy's getting their license. It's unique venue fabulous garden fantastic food and welcoming families and their pets to enjoy entertainment and theme days and early evenings. I think it is just what Hythe needs a breath of fresh air to meet new friends and family in a great atmosphere. My family regularly visits Hythe now my husband has dementia and he feels part of the community there and so enjoys the music.

Representation 15

Stance: Support

Name: Ms D Sustins

Address: Shepherds Walk, Hythe

I wish to comment that I fully support the business license application as a valued facility for the residents of Hythe.

This business has expanded to provide outdoor facilities until 10pm at night. The type of entertainment provided is low key and considerate. The premises would not be able to provide sufficient indoor facilities to cater for the number of residents who happily support this business as a valued part of our community.

I trust that you will give their application a fair and justified confirmation.

Representation 16

Stance: Support

Name: Harriet Usher

Address: Shepherds Walk, Hythe

As a local resident I am writing to support Ivys of Hythe licence application.

We spend many lovely evenings with friends and family in the garden for tapas they have nice jazz, soul background singers and sometimes a bit of reggae, staff are always quick to close the garden on time and bring people in promptly.

I do hope they are successful in their application as it great for small local businesses to thrive.

Representation 17

Stance: Support

Name: Gill Marshall

Address: Sir John Moore Avenue, Hythe

I am writing in support of the renewal of the licence at Ivys Of Hythe.

Ivys is a fabulous addition to our high street, offering a relaxed atmosphere for fine wining and dining in a pleasant environment, gentle music on a calm evening adds to the relaxing ambience of the restaurant which I am very sure is enjoyed by many.

Representation 18

Stance: Support

Name: Kim Lindsay

Address: Hollands Ave, Folkestone

Please renew the licence at Ivys in Hythe High Street, they have brought an incredible asset to the High Street with their food, live music (which is very considerate to the local environment) starting and stopping at appropriate times. An Air B&B that brings tourism to the area and livens up this end of the high Street, bearing in mind the only other pub/ live music venue, the globe has now closed.

Do not think that Hythe is a place that is ruled by the older generation because for the High Street to survive, it has to cater for a younger generation and that is Ivys.

Most of my work and social life is spent in Hythe hence my representation for Ivys.

Representation 19

Stance: Support

Name: Sharon Boorman

Address:

I have been a resident of Hythe for nearly 30 years and have watched the high street slowly go down hill with decent restaurants and bars closing.

It was a breath of fresh air when Ivys opened to give Hythe and its many visitors a new lease of life to the high street instead of having to go to Folkestone.

We need to ensure the huge effort and determination and hard work that has gone into this establishment to employ staff and be successful is taken seriously. Also the respect to the neighbours that has been amazing with the early Closing times.

I do hope you think of the tourism and people of Hythe who would love to use the high street are taken into consideration.

Representation 20

Stance: Support

Name: Hayley Cooper

Address: Chapel Street, Hythe

I understand that Ivy's of Hythe has been restricted in what services it can offer.

I live on my own in Hythe and the community at Ivy's has been a saving grace. I am friendly with the bar staff, waiters and managers and they always make the effort to accommodate. It's a supportive environment that welcomes everyone and anyone.

To restrict what it has to offer would be to restrict the people of Hythe to a fantastic and supportive environment where people can gather.

It is also a safe environment for women where they feel safe. I have never felt unsafe or threatened at Ivy's and I feel every member of staff wants to support women to be able to be part of the community and be able to enjoy themselves.

I urge you to reconsider your restrictions.

Representation 21

Stance: Support

Name: Nikki Griffith

Address: Spanton Crescent, Hythe

I wish to support the renewal of the above licencing application.

It is such a lovely place to enjoy food, wine and music in such a stylish and comfortable garden. There is nowhere else one can go to like it in Hythe.

The music is not on everyday or every evening and it always stops at 10.00 or before. In fact they are always punctilious about stopping and not being too noisy as the owners are aware of neighbours and respect the 10.00 cut off.

Representation 22

Stance: Support

Name: Caroline Harber

Address: Marine Parade, Littlestone

I am emailing and support of Ivy of Hythe. This is a lovely bar and restaurant with a great outside Space. It's certainly never been noisy when I have been there.

Representation 23

Stance: Support

Name: Helen Seamer

Address: North Rd, Hythe

I am writing to lend my support for the renewal of the licence for Ivy's of Hythe.

The restaurant is an asset to the town, providing decent food to discerning patrons. The owners have gone the extra mile to reduce the impact that their activities in the garden have on their neighbours. I urge you to renew the licence without delay.

Representation 24

Stance: Support

Name: Claire Langford

Address: Martins Way, Hythe

Ivy's is an amazing addition to the High Street and there are no other establishments that offer the same good quality food, light entertainment in a beautiful setting in the garden. It has given many young people jobs and is very much a part of the local community.

Representation 25

Stance: Support

Name: Michael Walker

Address: North Road, Hythe

Having attended a number of Ivy's live music events, I have been impressed with how carefully they have managed their permitted hours of operation in the garden.

They have punctiliously complied with existing restrictions, stopped serving outside prior to ending any music and politely but firmly shepherded guests either down to their indoor area or simply out, usually reminding clients leaving their premises to be respectful of neighbours.

I appreciate that, were I to be an immediate neighbour I may be less sanguine, but I don't believe that, over the last 50 years, I have ever encountered more courteous management of the interests of people living adjacent/close licensed premises by a licensee.

Representation 26

Stance: Support

Name: Dominique Sweeney

Address: The Rifles, Folkestone

I am emailing in support of Ivys license. I work in a neighbouring business and can say that Ivy's is a delight to the local community.

I have enjoyed many days and evenings at Iviys, where the atmosphere, ambience and customers have been a delight.

I have enjoyed summer evenings with enjoyable live music on many occasions and am honestly shocked that anyone would actually ever complain? The music is delightful, soft and enjoyable and I myself have witnessed the staff adhere to the strict rules of all customers be out of the garden on or before 10pm.

I would strongly oppose to Ivy's having their licence revoked, this would be such a shame for Hythe and people who are still enjoying life.

At no point have I ever thought this business has ever caused unwanted characters or caused any trouble.

I think the minority of Hythe residents simply cannot cope with changes in Hythe, which quite frankly is much needed for all to enjoy.

I hope you will take my support in evidence that Ivys is a much needed, enjoyable and much-loved business that the majority of Hythe residents do enjoy.

Representation 27

Stance: Support

Name: Amie Mattinson

Address: Dental Street, Hythe

As a valuable resident of Hythe I would hate for this establishment to be restricted in anyway as someone that lives just a couple doors away from Ivy's of Hythe.

It is a place I love to go weekly for food, coffee with friends and occasionally some tasteful musicians and if I'm really lucky we get to sit outside with the sun shining down on us. I am very much looking forward to more of the same and hope this can continue for many more years.

Representation 28

Stance: Support

Name: Kevin Richards

Address: Eversley Road, Seabrook

I'd like to support the re-licensing of the above application number PR202310-95529.

The Ivy is a lovely venue with a good atmosphere and friendly environment . The music programme has been a good addition and has been well supported throughout the summer.

Representation 29

Stance: Support

Name: Ashleigh Bull

Address: Elizabeth Gardens, Hythe

I am writing an Email of support for Ivy's of Hythe in Hythe High Street.

I am a local resident and have been a customer of Ivy's since they opened. They offer beautiful food in a beautiful setting and their garden is amazing.

I have enjoyed many Tapas evenings and have absolutely loved the chilled vibe with tasteful background music.

Ivy's brings something special to Hythe High Street and should continue to be allowed to do so.

Representation 30

Stance: Support

Name: Kameron Lynch

Address: Elizabeth Gardens, Hythe

I'm a resident of Hythe close to Ivys of Hythe and I've used the business since day one and watched it grow.

It's a pleasant place to come for food. I've been in the garden and had tapas and listened to live background music. I think it's silly that the license is only till 10 and that Ivys have to stop music at 9 in the garden. Then there are other businesses that are open much later than Ivys as well.

I've been in the Ivys garden at 7pm for tapas and they had some nice Jazz, soul and reggae background music. A really nice environment

Representation 31

Stance: Support

Name: Lucas Puchalt

Address: Chapel Street, Hythe

I have been a loyal customer since Ivys has first been opened and watched it grow to be an amazing place for this local community.

It is a delightful place to come for food. Since the garden has been opened, I have eaten tapas and listen to live background music. They have always been strict and on time about leaving the garden at 10 o'clock and also seeing staff control the noise throughout the evening to see if it's too loud.

Being a local resident and living close to the high street, I think it's ridiculous that they only can be open in the garden till 10 pm and music stops playing at 9pm. The music has never been loud at Ivys.

Representation 32

Stance: Support

Name: Milan Zima

Address: Military Road, Hythe

I am resident of Hythe and was enjoying food and drinks at Ivy's of Hythe, with their live music. It came to my knowledge that their license is being under review, however I would like to support them as I do not see a harm to their business, music wasn't ever too loud, nor offensive in any way.

Small businesses like Ivy's are essential to social life in this small town as well as bringing work opportunities for many.

Representation 33

Stance: Support

Name: Ms Tracey Parr

Address: Wych Elm Way, Hythe

I wish to share my views on the much loved “Ivy’s of Hythe”.

I have lived in Hythe all my life and have seen many changes in the high street. When Ivy’s opened I felt it was a great asset to the town, serving great fresh food with a lovely atmosphere and friendly and obliging staff.

Ivys has been lovingly restored, including the rear garden area, an amazing transformation creating a stunning outdoor space to enjoy alfresco dining, something that my partner and I have enjoyed many times.

We enjoyed lovely dulcet tones of various musical artists while dining.

The staff and management were always aware that rules were in place, these were adhered to strictly, the music finished by the time set out and the garden cleared by 10pm, we were able to finish our drinks inside Ivy's. Staff and management were extremely keen to respect their neighbours, explaining to us why we were moved inside Ivy's.

As we all know high streets these days are dying, having Ivy’s, brings customers back into Hythe and when Ivy’s close of an evening, I have noticed their customers will go on to other establishments in Hythe being an asset to other businesses.

Living in Hythe for 60years I do know how some residents will never accept change, this is a ridiculous and very narrow minded selfish view. This is an extremely tough time for businesses and they should be supported. I think these residents would only be happy when we have a ghost town, and all the shops will just be empty rundown shells.

And remember we are only talking a small window when the weather is kind enough for us to enjoy outside space.

That’s why this is completely unfounded and maybe these residents should try to enjoy something that has brought great enjoyment to many others.

Representation 34

Stance: Support

Name: Cameron-Ellis Wightman

Address: Fort Road, Hythe

I am emailing in support of Ivys license, I work in the Hythe street and also a resident of Hythe Ivys is a delight to have in our high street.

I have enjoyed many afternoons/ evening throughout the summer time in Ivys the

music has been very pleasant to listen to don't understand why anyone would complain.

The staff at Ivy's have also stuck to the strict rules and also informed me every time I've been there we have to leave the garden by 10pm and make our way in.

Representation 35

Stance: Support

Name: Mrs Jacqueline Dunlop and Mr Maxwell Dunlop

Address: Garden Road, Folkestone

I am writing this email on behalf of myself Mrs Jacqueline Dunlop and Maxwell Dunlop, the parents of William Dunlop. We just wanted to let you know our opinions about Ivy's of Hythe, incidentally named after William's Grandmother as we are obviously very concerned about his welfare, and the considerable amount time and work he has put in to make it so nice.

We are both in our 70s, Maxwell has Parkinson's and I have cancer, but we have spent many lovely afternoons sitting in the garden there, the staff are so good and caring to us. We have met many older people in the garden there, some live in the flats and the back of Ivy's, and they have no gardens of their own, and lots of parents with young children who find being in the garden with kids is a lot easier than inside.

We have also been there several times in the early evening for dinner especially on the few occasions when there has been a guitarist which we find very enjoyable and all finished by 8.30.

Also a lot if people bring their dogs to the garden which is really nice.

I find it really hard to understand why people would complain about the garden, would they rather a wilderness there as it was before, maybe they should try it out, some people are prolific complainers.

A popular place like Ivy's ultimately brings a lot of trade into Hythe but some of the residents won't like that either.

Agenda Item 5

Folkestone and Hythe District Council

Licensing Sub-Committee 5 December 2023

Declarations of Lobbying

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

Application No.

Type of lobbying

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SIGNED:

When completed, please return this form to the Committee Administrator at the meeting.

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