

# Minutes

## Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone  
Date: Tuesday, 5 December 2023  
Present: Councillors Tony Cooper, Gary Fuller and Paul Thomas

Apologies for Absence

Officers Present: John Bickel (Licensing Specialist), Tim Hixon (Legal Specialist), Rhys Hughes (Legal Trainee), Sue Lewis (Committee Services Officer), Dan Stone (Environmental Protection Specialist), Wai Tse (Environmental Protection Officer), Briony Williamson (Licensing Specialist) and Nicola Wilson (Environmental Health and Licensing Senior Specialist)

Others Present: Mr Dunlop, the applicant.

### 71. Election of Chairman for the meeting

Proposed by Councillor Tony Cooper  
Seconded by Councillor Gary Fuller and

**Resolved: To appoint Councillor Paul Thomas as Chair for the meeting.**

(Voting: For 3; Against 0; Abstentions 0)

### 72. Declarations of Interest

There were no declarations of interest.

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

This report outlines the application made by Mr William Dunlop for a Premises Licence for this premises.

In determining the application the Sub-Committee has carefully considered and given the appropriate weight to the evidence before it today including:-

- (i) The report presented by Licensing Specialist Briony Williamson.
- (ii) The submissions made by the applicant, including an additional written statement circulated to members in advance of the meeting.
- (iii) The representations received.

The applicant, Mr Dunlop answered members questions relating to the following:

- Additional hours for outside will help with dispersal of patrons.
- Disabled access – this is from the rear of the building and is suitable for wheelchair users.
- Music – the applicant is happy to turn the music off at 9pm and the background music can be set to a particular level that Environmental Health agree is suitable. It was noted that a noise limiter cannot be fixed for outside, but the applicant agreed to limit live music to twice a month.
- Garden area – the applicant explained that this area is needed to sustain his business.
- Complaints – a few complaints had been received due to the noise outside, but the applicant explained that he was not the only business in the high street that had issues with noise dispersal.
- Door management – no staff are on duty at the door as the business is predominantly for food sales.

Two further comments were received and read out by the Licensing Specialist with the agreement of the applicant. These are attached to the minutes for information.

Proposed by Councillor Tony Cooper  
Seconded by Councillor Gary Fuller and

**Resolved: The decision of the Sub-Committee is to grant the licence as presented for the hours identified in the licence, subject to the adoption of the 4 conditions recommended by the Environmental Health:**

- **Garden rear exit to be closed 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 properties.**

**These support the licensing objective of the prevention of public nuisance.**

(Voting: For 3; Against 0; Abstentions 0)

**A full decision notice will be issued within 5 days.**



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I have read through this and can see no real effort at mitigation on behalf of Mr Dunlop. The application in essence is asking for the same hours outside with an extension inside. As I have noted previously if Ivy's gets the same garden licence and an extension to the hours requested the council is merely rewarding Ivy's for the previous transgressions they have called out and Ivy's failed to deal with.

On a couple of the points, he makes I would comment as follows.

Point 12: I am sorry to hear that the objections have caused MR Dunlop "significant stress and detriment to my mental health". Perhaps he now gets a better idea of what it is like living next to Ivy's and the "significant stress and detriment to the mental health of the neighbours" that has occurred.

Points 13 and 14: If the team at Ivy's has been working so closely with the Environmental Team how have the team noted on four separate occasions excessive noise when they have attended his acoustic music session? I am sure they would have provided recommendations on the noise levels so to be called Ivy's out on four separate makes this claim sound slightly disingenuous. Other venues in the High Street, Remedies, Henry's, and The Kings Head to name but a few all offer live music but don't seem to have issues around noise complaints as their music is all inside. The issue of music in the garden is still not being addressed if music is allowed up until 9:00 PM

I reiterate I want a vibrant diverse High St. but the delivery of that vibrancy must consider all involved including the neighbourhood and not just those who enjoy the amenities and then leave the area once their evening is over.

Mr Dunlop writes:

*All of the people that have visited IOH deli over the last two years have commented on how nice the venue is and how much they have enjoyed their experience there. I have customers that travel from all over Kent and sometimes further afield in addition to my regular customers that live in Hythe.*

Not entirely true - plenty of comments on Trust Pilot to the contrary. -

Mr Dunlop writes:

*In order to clarify that the provision of late-night refreshment is to provide hot drinks and food and does not include alcohol.*

Unless I am missing something he is applying for a licence to sell alcohol until 11.00 and 11.30.

If the garden must empty earlier and he only has a small amount of covers inside, where is everyone going to go to continue drinking?

Mr Dunlop writes:

*The garden will be closed by 10pm and I have agreed to limit live music to twice per month at weekends only and any live/acoustic music will be finished by 9pm and will be at an acceptable level. There will be no dancing and the music is soft guitar or jazz acoustic music to be enjoyed whilst eating food.*

I am sure that I and my neighbours will welcome the reduction to live music just twice per month, and soft guitar and jazz acoustic (ie not amplified) is absolutely fine at a reasonable level.

If this proves to be the case I'm looking forward to a visit in the summer.

Note that we also welcome the reduction in the volume of the recorded music.

Mr Dunlop states that if the music is too loud, we can ask for it to be turned down, but you can't walk in and do that during someone's "live set", and to be frank, Mr Dunlop is not someone you can have reasonable conversation with.

The incidents of intimidation including being told to "f\*\*k off", calling us "snakes" and having our photos, names and addresses posted on his FB page have been previously documented elsewhere, but are still relevant.

I understand that running a business is stressful (after 37 years as a managing director) but being offensive is not the way to carry on, especially in a small community setting.

In conclusion, none of us want Mr Dunlop's business to suffer and we welcome good food and ambience.

What we don't like is excessive noise and being bullied when we stand up for ourselves. Unless Ivy's do as they say and control the level of noise we will carry on calling out the Response Team, and I would agree with Environment that the garden should close at 9.