

Good afternoon

Are you accepting this as a valid representation?

Regards

Pat

Pat Mackness

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**From:** Rachel Field [<mailto:RachelField@kettering.gov.uk>]

**Sent:** 13 July 2017 09:03

**To:** Russ Howell

**Cc:** Licensing Unit

**Subject:** Premise Licence Application Emporio Lounge ref. 17/01354/LAPNEW and Emporio Nightclub ref. 17/1337/LAPNEW

Dear Mr Howell

With reference to the above application I met with the DPS Mr Patel on 10<sup>th</sup> July 2017 to discuss the applications and inspect the premises concerned, along with my colleagues from the Police and Environmental Health (Health Protection). In summary I wish to object to both applications on the grounds that the proposed activities are likely to cause a public nuisance to nearby residents, particularly in West Street where houses are approx. 20m away. Both venues are connected by stairs and are proposed to operate together, hence my objection to both licences in one email.

In more detail my concerns are:

- The application states that the licensable activities and the closing hours of the premises are the same. This means in effect that someone can buy alcohol at 5am on a Saturday but then have to leave as the premises closes at 5am – this has the potential to cause disorder and public nuisance as customers are ejected, drinks being consumed quickly, or customers taking drinks into the street.
- There is no music volume control equipment proposed at either venue and music is likely to be audible in the street and in nearby residential properties, especially late into the night in the warmer weather when residents have their windows open. The lounge has single glazed windows that will not reduce music noise significantly. Whilst the nightclub is in a basement, the low frequency bass beat of music travels through building structures and therefore needs controlling in a residential area.

- The hours requested for the sale of alcohol and entertainment (live and recorded music) are late, up to 5am on a Friday and Saturday. Whilst residents live in the town centre and should expect some noise from local businesses, the requested hours are late and residents are likely to be disturbed by customer noise even if the music noise is controlled - people coming and going, smoking in the street etc. The applicant indicated that he would re-direct people to smoke in the nearby Royal Hotel car park however, in reality due to the distance involved I don't think the majority of smokers would do this and would smoke outside the venues. In addition, walking to the car park brings the customers closer to the residential properties.
- The lounge bar and nightclub are proposed to be operated as separate venues, with customers also moving between the two venues which are connected by a set of stairs. In essence there will be a free flow of customers between venues from inside. This makes it very difficult for the staff to manage capacity. The applicant was not clear on what the capacity would be. Due to changes in licensing law, live music and recorded music is not classed as regulated entertainment before 11pm provided that there is a premises licence in place to sell alcohol and that there are less than 500 people in a venue. The capacity is key in establishing what aspects of the proposals require a licence.
- One solution to the capacity issue is to stop the free flow between venues but require customers to leave the lounge bar, go outside and into the nightclub via the separate nightclub entrance. However, this will result in more customer noise outside and the likelihood of public nuisance.
- Given the issues around capacity I have concerns that queuing customers will also cause a public nuisance to residents. The applicant indicated that queues would be managed by the door staff but I am not confident that this can be done without causing a public nuisance given the proximity of residents and lateness of the licence requested.

More details will be provided in advance of the objection hearing.

Regards

**Rachel Field**  
**Team Leader**  
**(Environmental Protection)**

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