

Draft Decision Licensing Sub Committee on 28 February 2020

Application for the review of the premises licence at The Lamb, 20 Fisher Street, Lewes, BN7 2DG

The hearing concerned an application for the review of the premises licence at The Lamb, 20 Fisher Street, Lewes, BN7 2DG.

In discharging its functions the Sub Committee considered the promotion of the four licensing objectives, the Council's own Licensing Policy, the Home Office guidance, other relevant legislation and the rules of natural justice.

The Sub Committee considered the review application, made on behalf of five local residents by Cllr Manley, and Cllr Manley's oral representations made at the hearing. The Sub Committee had viewed the audio and video recordings that had been submitted by Cllr Manley which demonstrated some of the issues at the premises. Those representations were that the local residents had suffered, because of the mismanagement of the premises, from loud noise, abuse, intimidation and other anti-social behaviour from customers and staff. It was stated that local residents were frequently kept awake and were living in fear for themselves and their property and these issues had adversely affected their health. The representations included that the local residents felt completely under siege. It was contested that the anti-social behaviour at premises had been an issue since the summer of 2017 and that it was not the case that the mismanagement had only begun since June 2019. However, the Sub Committee noted that there was no evidence provided of any incidents before July 2019.

Cllr Manley asked the Sub Committee to consider attaching additional conditions to the premises licence. Those were if the venue were to continue as a music venue that issues of soundproofing were addressed, that the licensable activities should end at 11.00pm, and that the garden should be closed at 9.30pm.

Due regard was also given to the written and oral representations of Police. Those concerns focussed on the licensing objective of the prevention of crime and disorder. Their principle concern was the misuse of illegal substances within the premises, which was evidenced by the high swab readings taken by the Police, and the failure to effectively address the problem. They also highlighted incidents of violence and aggression and excessive noise at the premises. The Police stated that the former Designated Premises Supervisor ("DPS") had been difficult to deal with and gave an example of how following an incident on 6 July 2019 he had declined to support Police action. They provided further examples which they said showed that he had had a total disregard for the law. The Police contended that there had been problems with security staff at the premises and that the premises no longer had such staff - this was contested by the representative of the Licence Holder as he was not in a position to confirm or deny the same. The Police informed the Sub Committee that they had mediated with the representative of the Licence Holder, prior to the hearing, some additional conditions and those were provided to all parties and the Sub Committee. Further, in principle the Police expressed support for the new conditions offered by the Licence Holder. However, they believed that the Licence Holder should, going forward, be more vigilant in relation to any problems at the premises.

The Sub Committee considered the written and oral representations made by the representative for the Licence Holder. Their representative, Piers Warne, stated that they recognised the concerns of the local residents and Police in applying for the review and

had taken steps to address the issues. Those steps were that they had closed the premises on 23 February 2020 and the Designated Premises Supervisor had been removed on 25 February 2020. That it was intended to reopen the premises as a restaurant. He stated that it was important to the Licence Holder to retain the premises licence. He was unable to provide a definite answer on how long the premises would be shut since that was dependent on whether the sale to the restaurant progressed but it was expected that the premises would be closed for some weeks. They offered the removal of the licensable activities of indoor sporting events, live music and anything of a similar description and for the remaining licensable activities they offered the amendment of the licensable hours from 1.00am to midnight (Friday/Saturday). The Licence Holder also offered to vary the existing non mandatory conditions as per the letter dated 19 February 2020. On behalf of the Licence Holder he also made a public apology to the local residents and stated that they wished to work with local residents going forward, if possible.

Decision

The Sub Committee decided that the appropriate and proportionate steps to address the concerns raised at the hearing were to permanently amend the conditions of the licence as offered by the Licence Holder in their letter dated 19 February 2020 but with two amendments as below.

In relation to the 8th bullet point to add, “further liaison with the complainant to be undertaken to ensure any possible remedial action taken is effective and a record kept of that communication.” In relation to the 10th bullet point, the amendment offered, to mean a change from a Challenge 21 proof of age scheme to a Challenge 25 proof of age scheme.

In addition, the licence conditions to be amended by the addition of the conditions mediated between the Police and the Licence Holder, as provided to the Sub Committee.

Further, in light of the concerns expressed and the representations made that the following further conditions be added to the premises licence;

- Signs to be placed in the garden of the premises asking customers and staff to respect the neighbours by keeping noise to a minimum
- If the premises trades as public house or a bar (but for the avoidance of doubt not as a restaurant) at least two registered SIA staff to be employed on Friday and Saturday nights from 9.00pm until 30 minutes after the close of business.
- No drinks to be allowed to be taken outside of the premises after 10.00pm

The Sub Committee also noted that, as the representative for the Licence Holder acknowledged, that should there be further complaints concerning the premises then further serious consideration would need to be given to revoking the licence.

Reasons for the decision

The Sub Committee understood and accepted the concerns of the local residents and the Police about the anti-social behaviour at the premises that had occurred. However, in deciding which steps it should take the Sub Committee also took into account the

assurances given by the representative of the Licence Holder that they took the allegations of mismanagement of the premises seriously. It also gave due weight to the voluntary steps they had recently taken including the closure of the premises, the removal of the Designated Premises Supervisor and their offering and mediating new conditions. The Sub Committee also took into account the plans to change the premises from a public house to a restaurant although it was also accepted that this was not definite. However, it was accepted that the premises could be run as a public house without causing concerns to the local residents and the Police as long as it had effective management, since in the past that had occurred. The Sub Committee carefully considered the suggested conditions put forward by the Review Applicant but decided that those would not satisfactorily address the problems at the premises. For example, in relation to the suggested condition that the garden should be closed at 9.30pm the Sub Committee considered that this may lead to further neighbour nuisance since those wishing to smoke may congregate instead outside of the front entrance as demonstrated in the video evidence provided. The Sub Committee considered that agreeing and imposing the conditions as above was an appropriate and proportionate response to those concerns.

The Licensing Act 2003 provides a right of appeal to the Magistrates Court. This right of appeal is open to the review applicant, the Police, to any person who made a relevant representation and the Licence Holder. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub Committee.

This decision will be provided to all parties in writing within five working days.

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