

Licensing Act Sub-Committee - Record of Hearing held on Tuesday 20 September 2005 at 10.30am

MEMBERS: Councillor TAYLOR (Chairman); Councillors SKILTON and POOLEY.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for Red Lion, 99 Wish Hill.

The Chairman introduced Members and Officers present and detailed the procedure to be followed at the meeting.

The Licensing Manager outlined the report detailing the application from Hall and Woodhouse Limited, the proprietor for Red Lion, 99 Wish Hill, Willingdon, for the conversion and variation of a premises licence in respect of the above premises. In respect of the application for conversion of the premises licence, no representations had been received from Sussex Police and, therefore, that part of the application was deemed to be granted. The Sub-Committee was asked to determine that part of the application relating to the variation of the premises licence.

Written representations had been received from two local residents, Mr Haxton and Mrs Shanson. Mr Haxton contended that there was a lack of off road parking facilities and that the location of licensed premises near the centre of a very quiet village location made it wholly inappropriate to grant a licence that would extend opening hours into the early hours in the morning, causing considerable disturbance to the neighbourhood. Mrs Shanson would be unhappy about noise from drinkers leaving the pub late at night in such a quiet residential area and contended that there were occasionally noisy persons walking along Wish Hill having left the pub at 11-11.30pm.

The Licensing Manager explained that the objectors had been written to on 7 September, well in advance of the statutory notice required, and notice of this meeting had been posted outside the Town Hall as required, but no reply had been received and they did not attend the meeting.

Mr Whitehead, Police Licensing Officer, had made written representations as a responsible authority under the prevention of crime and disorder and prevention of public nuisance objective. He stated that the police had concerns regarding

noise and public nuisance due to the pub's village location and the police, therefore, objected to a terminal drinking time later than 00.30 hours and a premises closure hour later than 01.00 hours. Further correspondence had been received from the police following discussions with the applicants and representations would be withdrawn if the applicants agreed to a terminal drinking and premises closure times requested.

The applicants' representative, Mr Campbell made representations in support of the application. He confirmed that the applicants agreed to the reduction in opening hours as recommended by the police, and said that it was unlikely that the premises would be used up to 01.00. but, should the Sub-Committee approve the requested variation to the licence, the applicant may exercise this on occasions.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted, including those from the interested parties not present at the meeting, the four licensing objectives and the Council's Statement of Licensing Policy.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

RESOLVED: That the variation application in respect of Red Lion, 99 Wish Hill, be granted as set out in the attached appendix.

The meeting closed at 11.14 a.m.

B E Taylor
Chairman

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Tuesday 20 September 2005

Applicant: Hall and Woodhouse Limited

Premises: Red Lion,
99 Wish Hill
Willingdon
Eastbourne
BN20 9HQ

Reasons for Hearing: Relevant representations were received from interested parties and Responsible Authorities in connection with the licensing objectives concerning noise and disturbance.

Parties in attendance: For the applicant – Mr C Campbell and Mr P O'Brien.

Decision made: To grant the variation of the Premises Licence as follows:

(1) Standard Hours:

Sale of Alcohol:

Monday to Sunday 10.00 – 00.30

Regulated Entertainment:

Indoor Sporting events (pub games)/film exhibition for music videos and amusement machines/live and recorded music/provision of facilities for making music and dancing:

Monday to Sunday 10.00 – 01.00

Late night refreshment:

From 23.00 to match the hours open to the public

Open to the Public:

Every day of the week from 10.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(2) Non Standards Hours

All Bank and Public Holidays, which do not precede a working day:

10.00 – 00.30 for sale of alcohol.
10.00 – 01.00 for opening hours, late night refreshment and regulated entertainment.

- (a) 10.00 on New Year's Eve through until 02.00 on 2 January each year for opening hours and regulated entertainment.
- (b) 10.00 on New Year's Eve through until 01.30 on 2 January each year for sale of alcohol.
- (c) 23.00 on New Year's Eve through until 05.00 on 1 January each year for late night refreshment.

Subject to the following condition (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):

Signage shall be displayed at points of access and egress requesting that patrons leave in a quiet and orderly fashion.

Reasons for
Decision:

The Sub-Committee has granted the application and variation of a Premises Licence subject to the conditions and hours specified, having taken into account only the evidence that is relevant, regulations and guidance under the Licensing Act 2003 and the licensing objectives.

Having considered the evidence before it, the Sub-Committee was minded to impose conditions upon the applicant's request for extended opening hours, regulated entertainment and the sale of alcohol. The reason for this is that the Sub-Committee has weighed up the applicant's submissions alongside the representations made by those interested parties as persons living in the vicinity of the premises and the Sub-Committee considers conditions to be necessary in order to meet the objectives of preventing public nuisance.

Date of Decision: 20 September 2005

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant in the case of refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to

persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed on the licence.

Full details of all the rights of appeal can be found within Schedule 5 of the Act.

If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.