

Licensing Sub-Committee

Minutes of a meeting of the **Licensing Sub-Committee** held in the **Warren Room, Lewes House, High Street, Lewes** on **Wednesday, 7 October 2015 at 10:30am**

Present:

Councillor W Botting (Chair on election)
Councillors B Bovington and J Harrison-Hicks

Officers Present:

Ms R Brittle, Committee Officer
Mr A Couper, Lawyer
Ms S Lindsey, Licensing Officer
Mr E Hele, Environmental Health Service Manager
Mr S Teale, Senior Environmental Health Technician
Ms J Adams, Environmental Health Officer
Ms L Hearn, Trainee Solicitor

Applicant Attending:

Mr R Thomsett, Applicant

Representor attending the meeting and who spoke for the Application:

Mr T Watkins, Business Agent

Minutes		Action
1	Election of Chair <u>Resolved:</u> 1.1 That Councillor Botting be elected Chair of the Sub-Committee for this meeting.	
2	Application for a Temporary Event Notice at Cinque Ports, 49 High Street, Seaford, BN25 1PP The Chair of the Sub-Committee welcomed all parties to the hearing. Those who attended introduced themselves. The Sub-Committee considered Report No. 133/15 presented by the Licensing Officer to determine whether the Application for a Temporary Event Notice (TEN) should be approved. The Licensing Officer explained that a TEN was a process of notifying the Local Authority of licensable activities to be carried out at premises that do not have a premises licence or a club certificate in place for the times applied. The Licensing Officer went further and explained that Environmental Health had objected to the TEN on the grounds that the licensing objectives would be undermined.	

The Licensing Officer informed the Sub-Committee that the TEN received was for the sale of alcohol for consumption on and off the premises, regulated entertainment and late night refreshment, for an event to be held from 8:00pm on Saturday 10 October 2015 through to 2:00am on Sunday 11 October 2015.

The Licensing Officer explained that the Cinque Ports was a small to medium size public house, she described the layout of the bar and external areas, and she also explained that the Cinque Ports was situated in a residential area.

In November 2010 the Premises Licence for the Cinque Ports was the subject of a Review Hearing. The Licensing Officer explained that this had been due to the receipt of an application for public nuisance, and crime and disorder issues raised by local residents. The result of this review had led to certain conditions being agreed and placed on the Premises Licence.

Concluding her presentation of the Report, the Licensing Officer clarified that a relevant objection had been made by Environmental Health and no compromise had been reached between the parties, therefore this hearing had to be held. The only options available to the Sub-Committee were to either support or reject the TEN application. However conditions could be applied to the event. These conditions had to be part of the current Premises Licence; no new conditions could be implemented.

The Chair invited the Environmental Health Service Manager to make representations. He began by explaining that the objection had been made as it had been felt that Mr Thomsett had failed during previous events to properly manage noise, and that the concern was that Mr Thomsett would fail to achieve the licensing objective of the prevention of a public nuisance, if the event was to proceed.

The Environmental Health Service Manager referred to the Witness Statement of the Environmental Health Technician dated 24 September 2015 (included in the agenda). He explained that it had been witnessed that noise levels had been excessive after 11:00pm, contrary to the conditions set out in the premises licence. The Witness Statement had also described the events of 31 August 2015 at 1:00am where the Environmental Health Technician had felt intimidated by the behaviour of a group of male customers.

The Environmental Health Service Manager informed the Sub-Committee that in the future a full licensing review of the Cinque Ports may be brought before the Licensing Committee. He concluded that he held the opinion that the Applicant may not be able to uphold the licensing objectives.

The Chair invited the Representor of the Applicant to make representations. The Representor began by querying whether recorded music was considered regulated entertainment. The Environmental Health Service Manager confirmed that recorded music did not require a licence as long as the music was played at a volume considered to be incidental background

music. When the music was at a volume where one of the licensing objectives could have been undermined or the music dominated over other activities, such as holding a conversation, it was then considered a licensable activity.

The Environmental Health Service Manager also provided the Sub-Committee with a page of the Licence which confirmed that all regulated entertainment was to cease by 11:00pm (a copy of which is contained in the Minute Book)

The Representor explained that the Applicant had made numerous refurbishments to the Cinque Ports. He also informed the Sub-Committee that a new jukebox had been installed since the last time the volume levels had been set by an Environmental Health Officer from the Council. The Applicant had believed that it would have no effect on the volume levels, but agreed that they would invite an Environmental Health Officer to visit in the future, and set the volume level of the jukebox appropriately.

The Representor also presented two letters from the Applicant and two letters of support from neighbours of the pub (copies of which are contained in the Minute Book).

The letters included confirmation of steps the Applicant intended to take to alleviate the concerns of Environmental Health. The Representor also confirmed that the event which was to be held if the TEN was approved would be an invite only event. He noted that the Police had not had any objections to the TEN or any TENs previously applied for by the Cinque Ports.

The Representor informed the Sub-Committee that he would have been willing to meet with Environmental Health Officers to discuss conditions which could be imposed on the event. The Environmental Health Service Manager informed the Sub-Committee that it would have been hard to enforce any agreement made.

The Environmental Health Service Manager queried why it had taken three months to notify the Council that a new jukebox had been installed. The Representor responded that the Applicant had not believed the new jukebox would affect the volume settings set by a Council Officer, and that it had been an oversight.

The Environmental Health Service Manager explained that he was concerned that Mr Thomsett had not understood his licence obligations fully. He queried why the Applicant had not known that recorded music could be considered regulated entertainment and therefore licensable.

The Representor explained that the events at the Cinque Ports on 31 August 2015 had not been an everyday occurrence and had been held on a Sunday in a Bank Holiday weekend. He conceded that the Applicant had not fully understood what regulated entertainment meant. He continued that the Applicant had applied for a TENs before and had never received any

complaints, so he did not see why this TEN could not be approved.

Responding to a statement from the Representor that the applicant would be keen to explore whether, even at this late stage, the parties might be able to agree modifications to the event that would enable Environmental Health to withdraw their formal objection to the TEN, the Chair asked the parties whether they would like an adjournment to discuss the possibility of coming to an agreement in regards to factors which could allow the TEN to be granted. Both parties confirmed they did.

The Sub-Committee adjourned at 11:20am.

The Sub-Committee reconvened at 11:40am.

The Environmental Health Service Manager thanked the Chair for the adjournment and informed the Sub-Committee that both parties had had a productive conversation. He confirmed that Environmental Health would be content for the TEN application to be granted as parties had reached an agreement. This included the elements that, by agreement, live music was to cease at midnight with no regulated entertainment after midnight. Alcohol was permitted to be sold until 1:00am, with the premises open until 1:30am. There was also agreement by the Applicant that there would be a Security Industry Authority accredited member working at the event.

The Sub-Committee agreed on the outcome of the Application.

The decision was delivered by the Chair of the Sub-Committee as follows:

Resolved:

- 2.1** “It is important that the Designated Premises Supervisor understands the full implications and detail of the licence, it is your duty. We are in approval of your decision for door staff at this TEN event and future applications. We approve your TEN application.”

The meeting ended at 11:45am

W Botting
Chair