

Licensing Sub-Committee

Minutes of meeting held in Ditchling & Telscombe Rooms - Southover House, Lewes on 26 November 2019 at 10.00 am

Present:

Councillors Liz Boorman, Sean MacLeod and Milly Manley

Officers in attendance:

Sue Lindsey (Specialist Advisor (Licensing)), Nick Peeters (Committee Officer) and Michele Wilkinson (Lawyer (Housing & Regulatory))

10 Election of chair of the sub-committee for this meeting

Councillor Sean Macleod proposed Councillor Liz Boorman as Chair and this was seconded by Councillor Milly Manley.

Councillor Liz Boorman was elected Chair for the duration of the meeting.

11 Apologies for absence/declaration of substitute members

There were none.

12 Declarations of interest

There were none.

13 Premises Licence hearing - 2 Old Court House, Friars Walk, Lewes

The Chair of the Licensing Sub Committee welcomed all parties to the hearing.

The Licensing Officer presented the Report to the committee and summarised the Report as follows:

The application was for a licence to sell alcohol for consumption on the premises from 9am to 10.30pm Monday to Sunday – with a non-standard timing on New Year’s Eve from 9am to 12.30am (the following morning). Live music (indoors) on New Year’s Eve from 11pm to 11.55pm, and for recorded music (indoors) on New Year’s Eve from 11pm to 12.30am (the following morning) was also included in the application.

Item 1.7 in report explained that Live and recorded music were deregulated within on-licensed premises authorised and open for the sale of alcohol from 08:00 hours to 23:00 hours for audiences up to 500. Live unamplified music

did not need a licence anywhere and with no audience limit between 08:00 hours to 23:00 hours.

Item's 1.8.1 to 1.8.18 in the report detailed the steps submitted by the applicant in support of the application to promote the four licensing objectives. These steps, if approved, would appear on the Premises Licence as conditions.

No representations against the issue of the Premises Licence were received from any of the responsible authorities, listed at item 3 in the report. 5 emails of objection from members of the public were received (appendix 4 of the report).

Following publication of the report, two of the objections had been withdrawn. The Sub Committee was advised that these should not be taken into account when making a decision. The remaining three objections had been submitted on the grounds that the application would undermine the licensing objectives of public nuisance, and crime and disorder.

When considering the application the following options were available to the sub-committee:

- To grant the licence in the same terms as it was applied for
- To grant the licence but modify the conditions
- To grant the licence, but modify the hours of licensable activity, or
- To refuse the licence.

The Licensing Officer highlighted that under Section 181, and Schedule 5 of the Act, there was a right of appeal to the Magistrates Court in respect of applications for new licences. The right of appeal was open to both the applicant and to any person who has made relevant representation. The appeal application would need to be made within 21 days of the written notification of the Sub Committee's decision.

The Sub Committee requested that the Licensing Officer clarify the detail of the diagram on page 13 of the report and in particular whether drinks could be bought at the bar and if so, the area this referred to. It was confirmed that drinks could be bought at the bar but only in the area referred to as the 'Bar and Kitchen area' and that there would be a waiter/waitress service in all other areas.

The applicant's representative, Mr Paul Hobbs, clarified that the primary focus of the restaurant was to provide a premium dining experience, with the provision of alcohol as an ancillary service. Mr Hobbs said that last orders for drinks would be at 10.30pm and last orders for food at 9.30pm. Mr Hobbs also confirmed that an increase in diners from outside the area was not expected and neither was a significant increase in footfall.

The Sub Committee asked questions of Mr Hobb and the following points were clarified:

The restaurant would have signage requesting that customers left the premises quietly.

With regard to opening on Bonfire Night, public safety was always a priority and the premises owner would take advice from the local authority and from the fire and rescue authority.

The Sub Committee adjourned at 10.15am to consider the application

The Sub Committee reconvened at 10.40 and the following decision was made:

RESOLVED - to grant the variation to the licence in the same terms as it was applied for.

Reasons for the decision:

The Sub Committee took into account all the relevant representations. However, the Sub Committee noted that the premises would be primarily used as a restaurant with alcohol ancillary to food and provided by table service. Also that this would not be a late night venue attracting people from outside of the area. The Sub Committee considered that the conditions offered in the application would adequately meet the four licensing objectives.

The Licensing Act provides a right of appeal to the Magistrates Court in respect of an application for a premises licence. 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 was notified in writing of the decision of the Licensing Sub Committee.

The meeting ended at 10.45 am