

Licensing Sub-Committee

Minutes of meeting held in Southover House, Southover Road, Lewes, BN7 1AB on 28 February 2020 at 10.00 am

Present:

Councillors Sam Adeniji, Liz Boorman and Christine Robinson

Officers in attendance:

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

Also in attendance: Mr Piers Warne (Legal representative for the Premises Licence Holder), PC Buck and PC Daniel (Sussex Police licensing officers).

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

RESOLVED that Councillor Liz Boorman be elected Chair for the duration of the meeting.

20 Apologies for absence/declaration of substitute members

There were none.

21 Declarations of interest

There were none.

22 Premises Licence - Application to Review the Premises Licence for The Lamb, 10 Fisher Street, Lewes

The Chair of the Licensing Sub Committee welcomed all parties to the hearing. Those attending introduced themselves and the procedures for the hearing were read out to all parties.

The Specialist Advisor presented the report to the committee and summarised the report as follows:

A review application had been received from Councillor Manley (on behalf of five local residents) under the Licensing Act 2003 for the premises 'The Lamb, 10 Fisher Street, Lewes'.

Residents had provided the Licensing Authority with their written reasons for anonymity which were accepted, and which was covered in the Home Office Guidance points 9.26 to 9.30 in the Report.

The grounds for review outlined by the applicant on page 19 of the report were the undermining of the public nuisance, public safety and prevention of crime and disorder objectives and are, therefore, considered relevant. For data protection reasons, none of the recordings submitted as evidence were made available to the public and were not shown at the Hearing. However, both the Licensing Sub Committee and the Premises Licence Holder had seen them.

During the 28 day review period further representations were received in support of the review from Sussex Police. Two further representations from local residents were also detailed in the report and were considered relevant. A representation in support of the Premises Licence Holder had also been received and was detailed in the report.

Other than Sussex Police, no comments were received from any of the responsible authorities listed in the report.

The Premises Licence Holder had written to all parties at the end of the consultation period setting out the proposed future of the premises. The letter included the proposed changes to the premises licence, removing some of the licensable activities, amending the hours of the activities and proposing the replacement of current conditions with those listed in their letter.

The premises closed its doors on Sunday 23rd February 2020 and the Designated Premises Supervisor made contact with the Licensing Authority to be removed from the licence on 25th February 2020.

Current licensable activities authorised at The Lamb were shown on the Premises Licence in the report and the report also outlined the effect of the Live Music Act and the Legislative Reform Order, rendering both live and recorded music as no longer licensable at The Lamb between the hours of 8am and 11pm, and suspending any conditions on the licence relating to those activities during those hours.

Where the sub-committee considered that action under its statutory power was appropriate, it would need to take any of the following steps:

- Modify the conditions of the premises licence temporarily for a period not exceeding three months, or permanently.
- Exclude a licensable activity from the scope of the licence temporarily for a period not exceeding three months, or permanently
- suspend the licence for a period not exceeding three months or revoke the licence.
- Decide that it was appropriate to take no action or to issue a formal warning.

The Specialist Advisor noted the right of appeal detailed in paragraph 12 of the report.

Councillor Manley, as the applicant for the review, addressed the Sub Committee and raised the following points:

Residents had made it clear to Councillor Manley that they had suffered several months of insufferable conditions through what they considered to be mismanagement of the premises. Residents lived in fear of personal attack or of their properties being damaged.

Staff at the Lamb had been unable to control noise and disturbance levels and were often a contributing factor themselves. Efforts by Lewes District Council to work with the Lamb's management to resolve issues had been ineffective. Councillor Manley proceeded to read out extracts from the statements provided by residents highlighting the levels of anxiety and sleep deprivation experienced by those living near to the premises.

The Sub Committee asked when the most recent levels of disturbance had started. Councillor Manley confirmed that there had been several managers of the premises over recent years and problems had occurred in that time. However, it was only under the tenure of the most recent manager that the issues had become so heightened and extreme that taking further steps became necessary.

Representatives from Sussex Police addressed the Sub Committee and highlighted the following points:

A number of complaints regarding excessive noise and disturbance had been received during the tenure of the most recent manager and the Police's principle concerns were over the management of the premises and what appeared to be habitual use of illegal substances. Visits had been made to the premises by Police Licensing Officers and swab tests on at least two separate occasions in the toilets confirmed the existence of illegal substances.

There had been an incident of assault reported with both staff and customers having been attacked (including the designated premises supervisor). The designated premises supervisor had not supported the Police in relation to the incident, or taken responsibility or necessary measures to promote the prevention of crime and disorder.

Although a condition on the Licence, CCTV had not been made available. The presence of CCTV footage would have helped the Police in its work identifying those individuals responsible for the disturbances.

The Sub Committee asked what previous experience the Police had had with the premises. It was confirmed that the earliest point at which the Police had found it necessary to visit the premises was November 2017 when it became clear that the Pub was operating without a designated premises supervisor. A

voluntary closure took place at that time and the next designated premises supervisor appointed was the most recent manager of the Lamb.

A list of revised conditions submitted by the Premise Licence Holder was tabled and Mr Piers Warne, the legal representation for the PLH, addressed the Sub Committee and highlighted the following points:

The DPS had taken himself of the license and as of the previous Sunday evening the Lamb was closed in anticipation of a sale of the premises. A caretaker was in situ to prevent the premises from being boarded up.

The issues raised were acknowledged however the DPS was not present and unable to represent himself. The PLH wished to apologise to the residents affected by the incidents referred to.

Interest from a local restaurant chain for purchase of the premises had been expressed and the sale process was underway. Although the licensable activity would likely be reduced, it was hoped that flexibility within the conditions of the licence would be allowed.

Mr Warne proceeded to outline the conditions tabled.

The Sub Committee sought clarification on when the PLH was made aware of the issues around disturbance and drug use. It was confirmed that in November 2018, the PLH was made aware of the issues around drug use and the Lamb was placed on a risk register. The PLH was not aware of the recent incidents of disturbance until the licence review application had been received. It was clarified that the Lamb was a leasehold premises and the PLH relied upon the DPS to carry out day-to-day operations and adhere to any arrangements regarding promotion of the licensing objectives.

The Sub-Committee withdrew to consider its decision, but decided that it would be unable to make the decision on the date of the hearing. The Housing and Regulatory Lawyer explained that all parties would receive written notification of the Sub-Committee's decision within the legal timescales.

The meeting ended at 11.25 am

Councillor