

Decision of Licensing Sub Committee Hearing 10 February 2022

Application for a premises licence at Glynde Station, Lacys Hill, BN8 6RU

The hearing concerned a premises licence application for Glynde Station, Lacys Hill, Lewes made by Steamworks (Glynde) Ltd. The application was for the sale by retail of alcohol off and on the premises on Monday – Saturday between 10.00 – 23.00hrs and on Sundays between 10.00-22.00hrs.

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

It also took into account the information contained within the Specialist Advisor's report.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant and those supporting the Applicant. They outlined their experience of running a similar business which they said had not caused any problems. It was explained that these premises would be a small venue (internally accommodating approximately 35 customers) selling high-end products to older people and families. That their plan was not to attract children but that rather they would accept children. They explained that the premises were currently empty and in a dilapidated condition which they would bring up to a high standard. They stated that there would be zero tolerance of any anti-social behaviour from customers. It was accepted that the Applicant had not had much communication with the local community but that they planned to work with the local community and specifically the objector if they were given a premises licence as they would expect it to be a community hub. They explained that there would be no doors opening onto the station platform and that they had readjusted their internal plans for the premises to mitigate as much as possible any disturbance to the property next door. They also stated that they planned to move the bin store and smoking areas as far away as possible from the property next door. They pointed to the fact that they were not asking for late hours. They said it would mainly be a food outlet with a small bistro type menu. They expressed the view that it would be safer for the premises to be occupied rather than empty and believed that would prevent some of the previous incidents that had taken place at the unmanned station. They said that they had a noise plan but that had not been provided to the Council. When questioned about possible large events they said they would manage that by having limits on numbers entering and possibly door staff on those occasions. They explained that they did not see off sales as a large part of their business. They stated that they had not yet decided about using any outside space, but that it was not a large space, and they were content to close the outdoor space at an earlier time. They agreed that they would work closely with local taxi operators for example to ensure that any customers were not left stranded after the last train. The Applicant stated that he fully appreciated the concerns of the objector but believed that there would be less anti-social incidents occurring in the area if the premises were occupied and if the premises would be run by well trained staff. The Applicant pointed out that the objector was referring to worst case scenarios and not common events.

Due regard by the Licensing Sub Committee was also given to the written representations of the objector and the oral representations of an objector made at the hearing. Those were that he lived next door in very close proximity to the proposed premises and that he was concerned because the area was very quiet, and any noise would be excessive. He was concerned about the safety of the premises customers on the basis that there would be drinking next to a station platform with fast trains going through. He stated that there would be inherent dangers, especially for children, given the location of the premises with active train tracks on one side and a car park on the other. In his view, it was very likely that an accident would occur, for example because it is easy for unaccompanied children to get onto the platform. He accepted that it would be preferable for the empty building to be in use and that he would welcome neighbours but that he did not consider that this was the right place for a licenced premises. He explained that there had been previously anti-social incidents in the area and that he believed these would be exacerbated by the provision of alcohol. Drinkers would inevitably be drawn to the premises and as the premises were in a remote location it would take a long time for the Police to arrive if there were problems. He was also concerned that given the remoteness of the premises it would be difficult for customers to depart, given the scarcity of taxis in the area. He was also concerned about the effect of the noise from the premises especially on his own children at night which he did not consider could be mitigated. He also stated that the CCTV used by the premises would impact, so as to intrude upon their privacy, on vulnerable children visiting his property.

In its deliberations the Sub Committee considered what decision would be appropriate and proportionate from the options outlined in para. 8.1 of the Report.

Decision

The Sub Committee resolved to grant the licence but with the addition of the following conditions as appropriate and proportionate for the promotion of the relevant licensing objectives.

1. Ensure that the disposal of rubbish in the bin store, including bottles and other waste, shall only take place between 10:00hr and 21.00hrs.
2. That any outdoor space shall be closed by 21:00hr, every day.
3. That warning notices shall be prominently displayed at the premises about the dangers of trains and vehicles in the car park.

Reasons for decision

The Sub Committee in making this decision fully appreciated the concerns of the objector. However, the Sub Committee were content that granting this application would not undermine the relevant licencing objectives. In making this decision, the Sub Committee took into account that this would be a small venue selling high-end drinks and that it would be a food led establishment. They were content that the Applicant had a good record at other premises and considered that it likely that these premises would be professionally run. It also took into account the commitment from the Applicant to communicate with the local community and the objector and the efforts proposed by the Applicant to mitigate any concerns of the objector. The Members noted that no Responsible Authority had made a representation against the application and that only one objection had been received.

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 is notified in writing of the decision of the Licensing Sub Committee.