

**LICENSING SUB-COMMITTEE
6 JUNE 2013**

Present: Councillors Batsford, Finch (in the Chair), Roberts, with Sinden in reserve.

1. APPOINTMENT OF CHAIR

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Roberts moved that Councillor Finch should take the Chair. This was seconded by Councillor Batsford.

RESOLVED (unanimously) that Councillor Finch be appointed as Chair for the duration of the meeting.

2. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

3. MINUTES

RESOLVED – That the minutes of the meeting held on 15 March 2013 be approved and signed by the Chair as a true record.

4. APPLICATION FOR A NEW PREMISES LICENCE: THE PRINTWORKS, 14 CLAREMONT, HASTINGS

Councillor Finch set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application for a premises licence at The Printworks, 14 Claremont, Hastings.

Mr Brown, Licensing Manager, presented the report to the committee as a result of representations received. The report referred to an application which sought consent for a new premises licence.

Mr Brown informed the committee that he had received two amendments in regard to the application. He stated that an email had been received from Mr George O'Reilly, East Sussex Fire and Rescue Service, withdrawing his representation because a written agreement had taken place with the applicant concerning numbers of patrons and that a formal letter will follow to confirm the withdrawal of his representation. Furthermore, he said the applicant had contacted him to state that there was an error on the application and therefore to delete the words 'No person under 18 will be allowed to remain on the premises after 11.00pm' on pages 30 and 33 of the agenda.

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Mr Peter Savill, Counsel for Sussex Police Authority, made his representation under the Prevention of Crime and Disorder and the Prevention of Public Nuisance. He said the Police's objection was based on the Cumulative Impact Policy. The Police, he said had not had an active involvement with the premises, however negative cumulative impact could arise due to the number of people potentially staying after an event and dispersing from the premises into the area.

Mr Greg Casey, Environmental Health, was present, he raised concern regarding noise. He referred to the definition of public nuisance in the Home Office Guidance. He believed that if the application was granted, there would be an adverse impact on public nuisance.

Mr Bill Smith, Commercial Section, Environmental Health, made his representation under the Local Government (Miscellaneous Provisions) Act 1976 concerning sanitary requirements. He said that provisions for toilets in the building were seriously deficient for the number of people identified in the application and from the information available.

Mrs Lorna Lloyd, applicant, in her submission said she was committed to the family run business. They had restored the premises to its former glory and were working with the Police to keep the area crime free. She said their customers were professionals with ages ranging from late 20's to early 60's. The only events running past 2pm were for birthday parties. She advised that they would not disperse people on street at the end of an event at one time. However, she said she would be happy to work with Police and accept any conditions imposed. She accepted the application was naïve.

Mr Byan Dyke, applicant, in his submission said they were working to a long term business plan. The extension of the hours was due to social pattern which was to cover specific elements eg the champagne breakfast for B&B and to develop part of the business.

Mrs Lloyd said that a Temporary Event Notice for adhoc events could not be relied upon as there was no certainty it would be granted and they need to respond to events for every eventuality.

In his summary, Mr Brown reiterated the amendments received in regard to the application.

Mr Savill reminded the committee that it was the responsibility of the applicant to prove there will be no negative cumulative impact. He went on to say that details had been omitted from the application regarding the Designated Premises Supervisor (DPS); the capacity and the location of the bars. Since the applicants identified the DPS as Mr Edward Lloyd, he confirmed that his Personal Licence was granted in April and that he did not have manager experience. As such, the Police formed the view that this application was not thought out before it was submitted and recommended the committee refuse the application.

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Mr Casey raised concern regarding the wide extent of the application and its impact. He went on to say that there was potential for the business to operate 7 days a week, 19 hours per day and that the licence could be inherited by someone else taking on the premises.

Mr Bryan Lloyd said he had run 17 events with no trouble and that they were part of solution to problems in the town. To conclude, he said they needed flexibility in the restrictions to run the business effectively.

RESOLVED (unanimously) that the application be REFUSED.

The applicant has failed to demonstrate in their operating schedule that they can rebut the presumption that the granting of a licence would not undermine the licensing objectives as their premises is subject to a cumulative impact policy.

The applicant is advised to seek their own specialist advice, as the burden of proof is on the applicant to rebut this presumption.

The Committee are unsure as to numbers of patrons which is an important detail and the application is wide in its extent.

The Committee has had regard to the guidance issued by the Secretary of State and its own policy.

(The Chair declared the meeting closed at 12.15pm)