

Committee	-	General Licensing Panel
Date	-	Monday 21 March 2016
Report of the	-	Executive Director of Business Operations
Subject	-	Application for a Premises Licence – WK201519076 La Maison du Vin, Conduit Hill, Rye

Recommendation: It be **RESOLVED:** That the application for a Premises Licence be determined.

Service Manager: Richard Parker-Harding

1. Introduction

Eleven representations have been made regarding the application for a premises licence; therefore it has been referred to this Panel for determination.

1.1 Applicant Details:

Name: Les Reves Ltd. (Reg. no. 09367541)

Address: c/o The Bailey Partnership, Stirling House, 27 Hatchlands Road, Redhill, RH1 6RY

1.2 The Premises: Details of the premises subject of the application are as follows:-

Please see location plan, floor plans and photographs (Appendices B, C & D).

Location: The premises is situated at the corner of Conduit Hill and The High Street, Rye.
The entrance and the front elevation of the premises is in Conduit Hill.

Description: "Wine Bar"

Existing Licences: None

2. The application and opening hours

The applicant has applied for the following licensable activities:

- Sale of alcohol.
- Live music.
- Late night refreshment.

2.1 Sale of Alcohol

The applicant has applied for the following hours for the sale of alcohol (on and off the premises):

Sunday to Saturday 10:30 to 01:00.

[On Christmas Eve and New Years Eve until 01:30 the following day.]

This applicant has since agreed to amend the hours for the sale of alcohol (on and off the premises) (see paragraph 4.3):

Sunday to Saturday 10:30 to 00:30.

2.2 Live Music

The applicant has applied for the following hours for live music (indoors):

Thursday, Friday, Saturday: 23:00 to 00:30.

[On Christmas Eve and New Year's Eve until 01:00 the following day.]

This does not mean the applicant is restricting live music to the hours stated above. The Government has been deregulating regulated entertainment; a licence is not required to stage a performance of live music, or the playing of recorded music if: it takes place between 8am and 11pm; and it takes place at an alcohol on-licensed premises; and the audience is no more than 500 people. The applicant has therefore only applied for authorisation for hours that fall outside these changes.

2.3 Late Night Refreshment

The applicant has applied for the following hours for late night refreshment (indoors):

Sunday to Saturday 23:00 to 00:30.

[On Christmas Eve and New Year's Eve until 02:00 the following day.]

2.4 Opening Hours

Opening hours stated on the application form (note: opening hours are not a licensable activity):

Sunday to Saturday 09:30 to 01:45.

[On Christmas Eve and New Year's Eve until 02:15 the following day.]

The applicant subsequently agreed to amend the closing times to (see paragraph 4.3):

Sunday to Saturday 09:30 to 01:00

[On Christmas Eve and New Year's Eve until 01:30 the following day]

3. Relevant representations of interested parties

	Relevant licensing 'objective'
10 representations	Prevention of Public Nuisance

The representations are predominately concerned with public nuisance and are reproduced in full in Appendix E. A number of issues e.g. parking, type of road surface are not valid in terms of the licensing objectives.

Some representations mention issues with the display of statutory notices (advertising the application) at the premises. A licensing officer visited the site on 28 January 2016 and there were two correct blue notices clearly displayed by the applicant.

4. Representations of responsible authorities

Rother DC Planning Authority	Representation
Rother DC Noise Team	Representation withdrawn following the applicant's agreement to conditions (see below)
Rother DC Health & Safety Team	None received
East Sussex Fire & Rescue Service	No representation
Sussex Police	Representation withdrawn following the applicant's agreement to amendments/conditions (see below)
ESCC Area Child Protection Committee	None received
ESCC Trading Standards	None received

4.1 Rother District Council Planning

Planning department representation is reproduced in full in Appendix F. Representations from the Planning Department and some individual interested parties refer to the hours set by the planning decision RR/2015/2362/P (21/1/2016).

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (paras. 13.57 & 13.58) states; "The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier

closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law”.

4.2 Pollution Control

Representation withdrawn following the applicant's agreement to additional conditions:

- When live music is being played, doors and windows shall be kept closed after 23:00.
- If a nuisance does occur from noise from loud music, the Environmental Health Officer at Rother District Council shall have discretion to require a noise limiting device be installed into the premise and used when amplified live music is being performed.
- There shall be no consumption of beverages outside the premises after 23:00.

4.3 Sussex Police licensing

Representation withdrawn following the applicant's agreement to amendments/additional conditions:

- That the terminal time requested for the sale of alcohol should be reduced from 01:00hrs to 00:30hrs; and
- The closure of the premises being reduced from 01:45hrs to 01:00hrs, an exception being; Christmas Eve and New Year's Eve for all licensable activities until 01:00hrs and to close the premises at 01:30hrs.
- Any licensable 'event' at the premises shall have a risk assessment carried out and if deemed necessary by the licence holder appropriate SIA door supervisor(s) shall be employed.

5. Conditions offered

The applicant has described the steps the business intends to take to promote the licensing objectives. The conditions offered by the applicant are shown in Appendix A.

6. Licensing history

None

7. Summary

The representations received predominately relate to noise, nuisance and alcohol related disorder.

8. Legislation

The Licensing Act 2003 requires that the Council, as the local Licensing Authority, carry out its functions with a view to promoting the four Licensing Objectives:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm

In exercising those functions, the Licensing Authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

9. Consideration

When considering this application the following options are available to the Panel:

- a) to grant the licence subject to the conditions consistent with the operating schedule;
- b) to grant the licence subject to any modified conditions, which are considered appropriate to the promotion of the licensing objectives;
- c) to exclude from the scope of the licence any of the licensable activities to which the application relates; or
- d) to reject the application in its entirety.

10. Conclusion

Having considered the written and oral representations and submissions made at the hearing the Panel shall determine the application.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

The applicant and others party to the hearing have a right of appeal to the Magistrates' Court.

Appendix A: Conditions offered by the applicant

Appendix B: Map of the location

Appendix C: Floor plans

Appendix D: Photographs

Appendix E: Representations – interested parties (1-10)

Appendix F: Representations – responsible authorities (RDC Planning)

Appendix G: Possible conditions unique to this application

Appendix A - Conditions offered by the applicant

Wording reproduced from the application form.

a) General – all four licensing objectives

The applicant will ensure that the premises are responsibly supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.

b) The prevention of crime and disorder

The sale of beer and cider shall be restricted to bottled products.

Off sales shall be restricted to unopened bottles of wine, beer and cider.

c) Public Safety

A Risk Assessment will be prepared for the premises.

No frying equipment shall be used in the kitchen.

d) Prevention of public nuisance

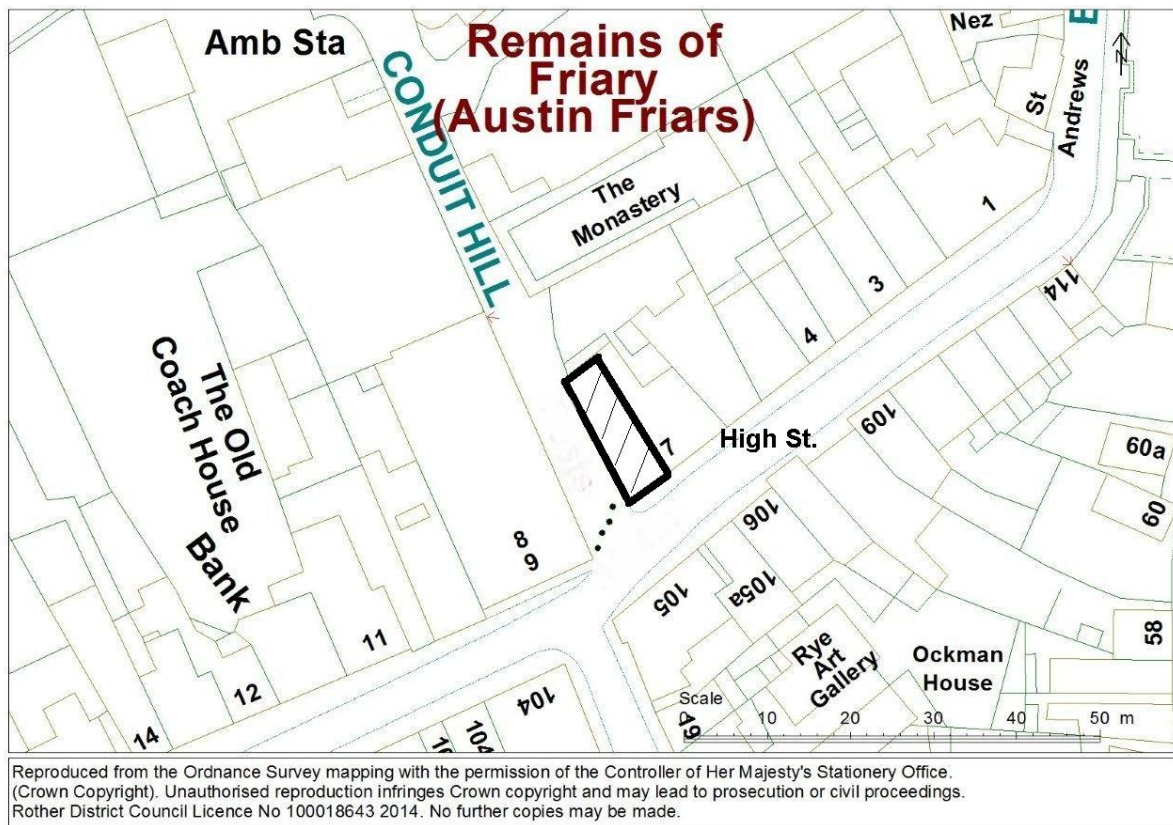
Signage will be displayed asking customers to leave the premises quietly.

Music will be of a Jazz nature and provided primarily by piano accompaniment.

e) The protection of children from harm

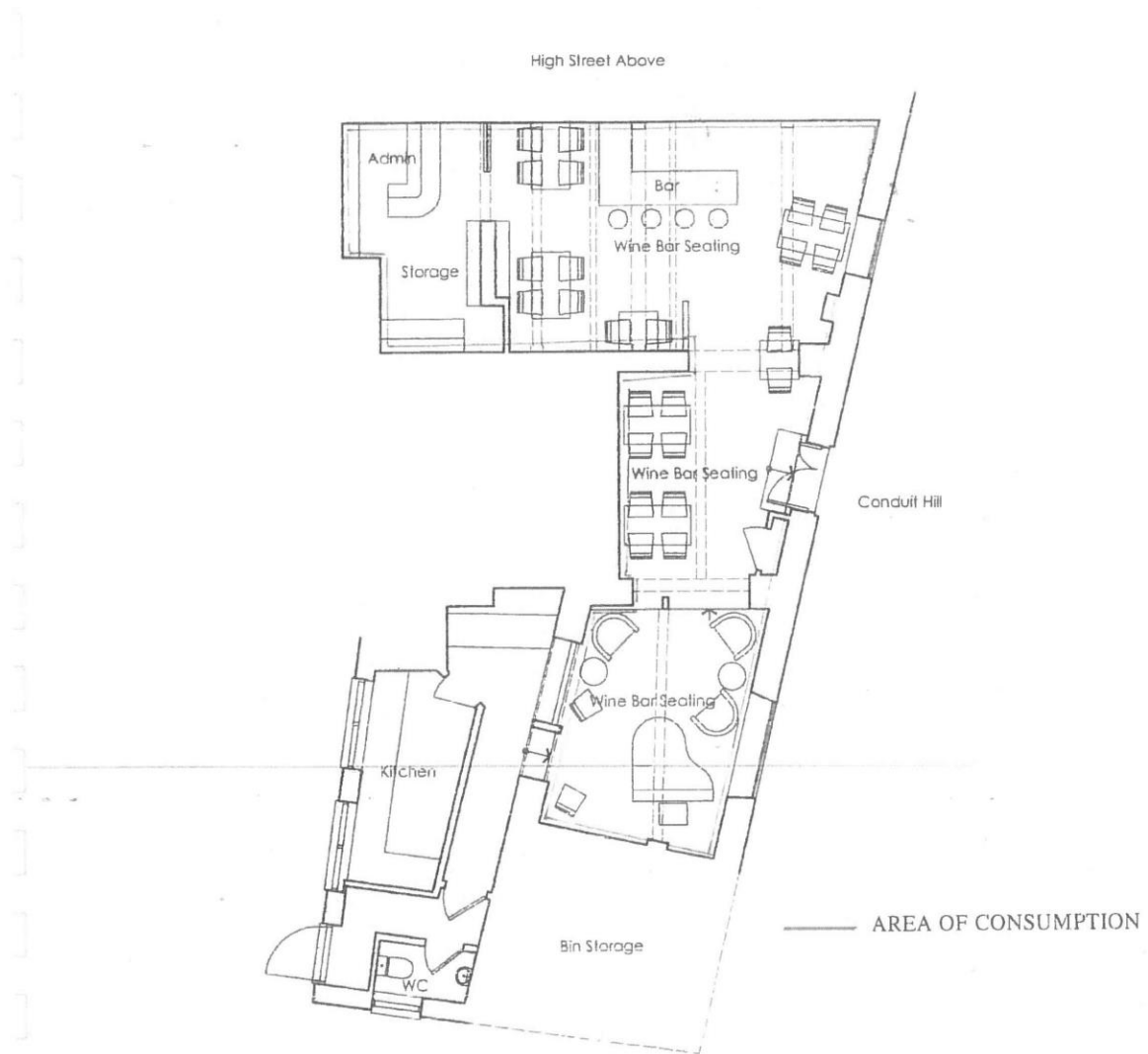
Only an accredited “proof of age” card, passport or the “new type” driving licence with photograph accepted as proof of age.

Appendix B – A map of the location



Appendix C – Floor Plans

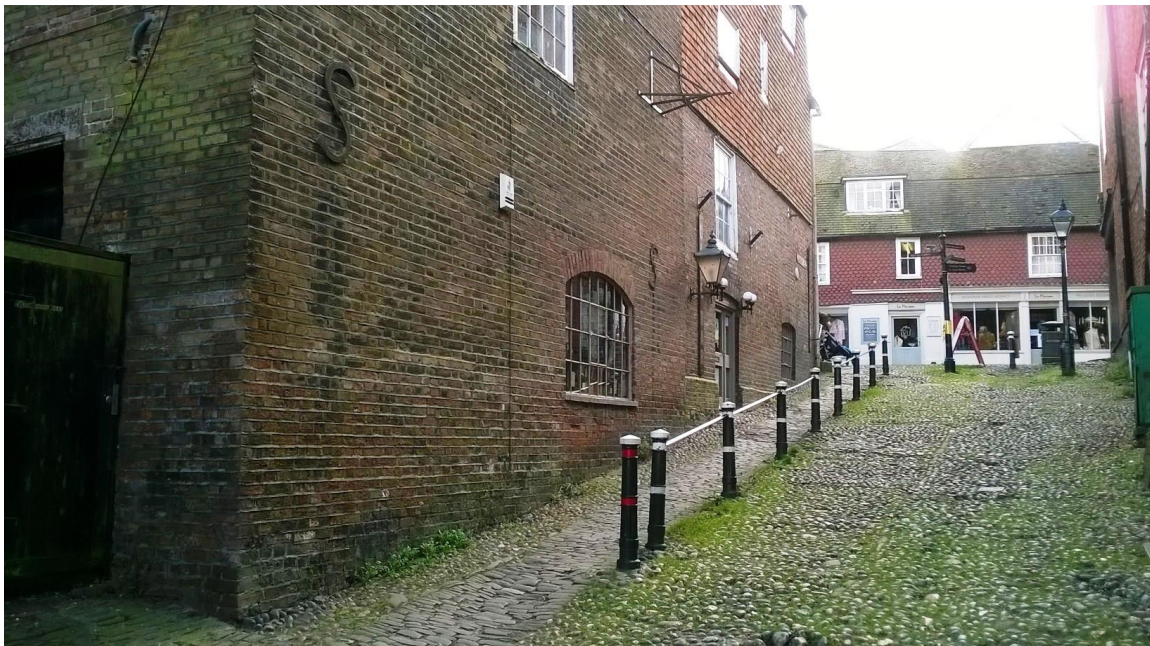
Proposed floor plan (not to scale)



Appendix D - Photographs



Photograph 1: View from High Street towards Conduit Hill (premises outline marked in white).



Photograph 2: View up Conduit Hill, entrance to the premises on the left, under the wall hung lamps.



Photograph 3: View from High Street, access to Conduit Hill on the right after Cafezara.



Photograph 4: View from High Street, access to Conduit Hill on the left.

Appendix F: Representation – responsible authorities (RDC Planning)

ROTHER DISTRICT COUNCIL

From: Service Manager – Strategy
& Planning

To: Community Environment Division

F.A.O: Richard Hoyland

Our Ref: PE/00076/2016

Date: 11 February 2016

LICENSING APPLICATION

Re: **La Maison Du Vin,
Conduit Hill
Rye
TN31 7LE**

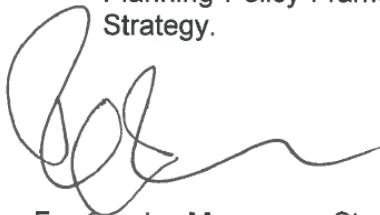
Application for a Premises Licence.

I refer to the above mentioned site and the application for licensing under the Licensing Act 2003.

Planning permission was granted under reference RR/2015/2362/P for 'Change of use from shop (A1) to wine bar (A4)'. Your attention is drawn to the hours of use as stated in condition 5 below:

5. The premises shall not be open to customers or any other persons outside the hours of 1000hrs to 2330hrs on any day.

Reason: To protect the living conditions of nearby residents from disturbance from noise at unsociable hours, having regard to Paragraph 123 of the National Planning Policy Framework and Policy OSS4(ii) of the Rother Local Plan Core Strategy.



For Service Manager – Strategy & Planning

Appendix G: Possible conditions unique to this application

1. A Challenge 25 to be operated at all times, and anyone attempting to buy alcohol who appears to be under the age of 25 will have to provide photo ID in the form of an industry approved proof of age identity card, passport or photo driving licence to prove that they are 18 or over. Sign to be displayed at point of sale - no proof of age - no sale.
2. A refusals/incident book, detailing all incidents where alcohol and other age related products are refused, and any other relevant incidents, is to be kept and made available to authorised officers on request.
3. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
4. A CCTV system to I.D. standard shall be installed at the premises in liaison with and to the satisfaction of Sussex Police and shall be used to record during all hours that a licensable activity takes place on the premises. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. Recordings shall be available to an authorised Council officer or a police officer. A sign advising customers that they are on CCTV shall be positioned in a prominent position.