

**LICENSING & GENERAL PURPOSES COMMITTEE
GENERAL LICENSING PANEL**

21 March 2016

Minutes of the General Licensing Panel held at the Town Hall, Bexhill-on-Sea on Monday 21 March 2016 at 10:15am.

There were present:

Members of the General Licensing Panel:

Councillors S.D. Elford, Mrs J.M. Hughes and C.J. Saint.

Interested Parties

Applicant: Mr L. Swann - Les Reves Limited

Applicant's agent: Mr G. Dove

Representors: Mr and Mrs Message

Advisory officers: Deputy Legal Services Manager - Wealden & Rother Shared Legal Services, Senior Environmental Health Officer (Licensing), Planning Officer and Democratic Services Officer.

Also Present: Councillor T.W. Graham.

LP15/07. APPOINTMENT OF CHAIRMAN

Councillor S.D. Elford was duly appointed as Chairman of the Panel for the hearing.

LP15/08. MINUTES

The Chairman was authorised to sign the minutes of the meeting of the General Licensing Panel held on 18 September 2015 as a correct record of the proceedings.

LP15/09. APPLICATION FOR A PREMISES LICENCE – LA MAISON DU VIN – CONDUIT HILL, RYE

Consideration was given to the report of the Executive Director of Business Operations that gave details of an application for a premises licence made by Les Reves Limited at La Maison du Vin, Conduit Hill, Rye for the licensable activities of the sale of alcohol, live music after 11pm and late night refreshment. Ten representations had been made in relation to the application in regard to the licensing objective the prevention of public nuisance.

Prior to the commencement of the hearing, the Deputy Legal Services Manager gave advice to the applicant and his agent and representors regarding the grounds on which the licensing application could be considered.

The Chairman welcomed all who were present and gave general advice in regard to the hearing. The Panel then proceeded to hear the case following the adopted procedure and all parties present at the hearing were invited to address the Panel.

The Applicant and his agent had commissioned an Audio Survey Report and this had been presented to the Members on the Panel prior to the commencement of the meeting, who agreed to give consideration to the report and its contents in their deliberations.

Members heard from the applicant's agent, who presented the case for the application. He outlined the applicant's aspirations for the business and how he intended to mitigate any issues that concerned the representors. Members also heard from the representors present who detailed their concerns in relation public nuisance and the Planning department who had also made a representation in relation to the operating hours. All letters of objection were given Members' full consideration.

Members deliberated the application which was determined having regard to the licensing objectives, together with the Guidance under section 182 of the Licensing Act and the local Licensing Policy, and retired to make their decision in private session.

RESOLVED: That the application for a Premises Licence be granted subject to the conditions as set out in Appendix 1.

CHAIRMAN

The meeting closed at 11:55am

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Rother District Council
DECISION NO: WK201519076

GENERAL LICENSING PANEL DECISION NOTICE

Date of General Licensing Panel Meeting: 21 March 2016

Venue: Town Hall, Bexhill

Date of Decision: 21 March 2016

NAME AND ADDRESS OF PREMISES:

La Maison du Vin, Conduit Hill, Rye

NAME(S) OF APPLICANT:

Les Reves Limited

REASON(S) FOR REPORT:

The report had been subject to ten representations on the grounds of the prevention of public nuisance.

DECISION MADE AND REASONS FOR IT:

The application had been subject to ten representations from local residents all concerning potential disturbances from patrons of the premises and potential disturbance by live music. Two residents attended the hearing and addressed the Members. The representations involved issues around the movement of customers away from the premises after closing time and the potential for disturbing local residents. Additionally, concerns were raised about potential noise from live entertainment which was proposed at the premises.

It was stated to the Members that on Thursday 17 March an event had been held at the premises under a Temporary Event Notice and the event had been used to assess noise from the premises. An analysis of the noise readings was provided to the Members at the start of the meeting, and additionally it was stated that an officer from the Council had attended the site and done several 'walk-bys' to make an unqualified assessment of the noise levels. The conclusion of the report was that noise levels 30db with the door closed and only reached 40db with the door momentarily open. This was supported by the officer who commented that the noise was barely audible and only briefly audible when the door was opened. The Members were satisfied that a noise level from the proposed music was very unlikely to cause a disturbance unless the type of instruments changed from that proposed by the applicant.

The applicant, Mr Swann, was represented by Mr Graham Dove, a licensing consultant, and in his submissions he outlined the measures to be employed by the applicant in matters surrounding the management of the proposed premises. It was stated that only 38 people could be seated and that a further 12 could stand, but that customer numbers would not be significant. With that in mind it was highly unlikely that there would be any congested exit at closing times and therefore dispersal from the venue would be controlled and steady throughout the evening. Members asked a series of questions about potential consumption on Conduit Hill which was very steep with narrow cobbles and the applicant offered a condition that no outside consumption would be allowed. He also offered a further condition stating that after

23:00 all live music would be unamplified which went some way to alleviating Members' concerns.

The Members heard from a Planning Officer who had made representations that the hours should be restricted to match the Planning Permission. The applicant acknowledged his awareness of, and his intention to abide to the planning restrictions on the operating hours, and stated that in future he may seek to vary those planning hours to enjoy longer hours under the licence, but accepted currently the planning hours would bite onto the licence and restrict his permitted hours.

Two of the representors then addressed the Members on their concerns about potential disturbances from music and patrons. They made reference to the planning permission restricting hours and articulated that they thought the planning hours were enough. They expressed concerns about where smokers would take any cigarette breaks and whether they would be disturbed late at night. They detailed how noisy the High Street in Rye currently is but Members emphasised that this application had to be considered on its own merits, and could not be held accountable for the failures of other premises.

The Members asked a series of questions concerning the type of music to be staged at the venue, and the measures to be employed to prevent disturbances.

They considered all the evidence before them, together with the section 182 Guidance and the Statement of Licensing Policy when making their decision. They were satisfied on balance that the applicant had shown that they could uphold the four licensing objectives, but considered it would be appropriate to impose a series of conditions outlined in the report. Additionally they added a number of conditions following the representations. These conditions, most of which were offered by the applicant, would ensure that the impact of the premises upon the local area would be negligible, and that the licensing objectives would be upheld.

	The proposed activities, days/times	
Retail sale of alcohol	Sunday to Saturday 10:30 to 00:30 Christmas Eve / New Year's Eve to 01:30	On & off the premises
Late night refreshment	Sunday to Saturday 23:00 to 00:30 Christmas Eve / New Year's Eve until 01:30	
Provision of Live or recorded Music	Thursday, Friday, Saturday 23:00 to 00:30 Christmas Eve / New Year's Eve to 01:00	
Hours premises to be open Sunday to Saturday 09:30 to 01:00 Christmas Eve/ New Year's Eve to 01:30		

Conditions

1. The applicant to ensure that the premises are responsibly supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.
2. The sale of beer and cider shall be restricted to bottled products.
3. Off sales shall be restricted to unopened bottles of wine, beer and cider.
4. A risk assessment will be prepared for the premises.
5. Music will be of a Jazz nature and provided primarily by piano accompaniment.
6. 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.
7. 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.
8. 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.
9. CCTV system to I.D. standard shall be installed in the premises in liaison with and to the satisfaction of Sussex Police and shall be used to record during all hours that 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.
10. No alcohol sold at the premises to be consumed on Conduit Hill.
11. No amplified music after 23:00.
12. All doors and windows shall be kept closed, except for the immediate access and egress of the public and staff, whilst live music is in progress.

A written or electronic copy of this Notice will be publicly available to all parties, and published on the Council's website.