

Rother District Council

Report to:	General Licensing Panel
Date:	26 May 2023
Title:	Application for a Premises Licence at The Three Legs Brewing Company, Beeching Road Studios, Unit 11, 26 Beeching Road, Bexhill TN39 3LJ.
Report of:	Head of Service - Environmental Services, Licensing and Community Safety
Ward(s):	Bexhill Collington
Purpose of Report:	To determine the Premises Licence application 26217 made under Section 18 of the Licensing Act 2003 for The Three Legs Brewing Company, Beeching Road Studios, Unit 11, 26 Beeching Road, Bexhill TN39 3LJ.
Officer	
Recommendation(s):	It be RESOLVED: That the application for a Premises Licence be determined.

1. Introduction

Four 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:

The Three Legs Brewing Co Ltd (09004509)
Cottage 1 The Old Bakery Cackle Street, Brede, Rye, England, TN31 6DX.

1.2 The Premises:

The Three Legs Brewing Company, Beeching Road Studios, Unit 11, 26 Beeching Road, Bexhill TN39 3LJ.

Please see the location plan, proposed licensed area plan and photographs (Appendices B, C & D).

Location:

The premises is situated in a commercial estate accessed from Beeching Road. The location of nearby residential premises in Colebrooke Road can be seen on the location map and photographs.

Description:

The proposed licensed premises is an existing commercial unit.

2. The application

Description of Premises

The applicant described the premises on the application form as follows:

“The premises will form part of The Beeching Road Studios Project, a council led project aiming to regenerate and grow the creative sector in Bexhill. As a growing independent brewery, we hope to add to the community of artists and creatives by occupying one of the units with our working brewery and taproom. The taproom will be situated at the front of the inside of the unit and will be a space for the public to come and taste and consume the beer made on the premises, along with other alcoholic beverages and soft drinks. We also hope to have some seating directly outside the front of the building for customers. The taproom will offer a relaxed social environment which focuses on a quality product and experience”.

The applicant has applied for the following licensable activities:

Sale/supply of alcohol (on and off sales)

Monday	12:00 to 20:00hrs
Tuesday	12:00 to 22:00hrs
Wednesday	12:00 to 22:00hrs
Thursday	12:00 to 22:00hrs
Friday	12:00 to 00:00hrs
Saturday	12:00 to 00:00hrs
Sunday	12:00 to 22:00hrs

The proposed designated premises supervisor (DPS) holds an alcohol personal licence (mandatory for the DPS role).

Films

Monday	12:00 to 20:00hrs
Tuesday	12:00 to 22:00hrs
Wednesday	12:00 to 22:00hrs
Thursday	12:00 to 22:00hrs
Friday	12:00 to 00:00hrs
Saturday	12:00 to 00:00hrs
Sunday	12:00 to 22:00hrs

Indoor Sporting Events

Monday	12:00 to 20:00hrs
Tuesday	12:00 to 22:00hrs
Wednesday	12:00 to 22:00hrs
Thursday	12:00 to 22:00hrs
Friday	12:00 to 00:00hrs
Saturday	12:00 to 00:00hrs
Sunday	12:00 to 22:00hrs

Live Music

Monday	12:00 to 20:00hrs
Tuesday	12:00 to 22:00hrs
Wednesday	12:00 to 22:00hrs

Thursday	12:00 to 22:00hrs
Friday	12:00 to 00:00hrs
Saturday	12:00 to 00:00hrs
Sunday	12:00 to 22:00hrs

Recorded Music

Monday	10:00 to 20:00hrs
Tuesday	10:00 to 22:00hrs
Wednesday	10:00 to 22:00hrs
Thursday	10:00 to 22:00hrs
Friday	10:00 to 00:00hrs
Saturday	10:00 to 00:00hrs
Sunday	10:00 to 22:00hrs

Opening Hours

Monday	10:00 to 20:00hrs
Tuesday	10:00 to 22:00hrs
Wednesday	10:00 to 22:00hrs
Thursday	10:00 to 22:00hrs
Friday	10:00 to 00:00hrs
Saturday	10:00 to 00:00hrs
Sunday	10:00 to 22:00hrs

Notes: Regulated entertainment

The government has deregulated many aspects of entertainment.

No licence is required to stage an **indoor sporting event** if it takes place between 08:00 and 23:00hrs and the number of spectators is not more than 1000 people.

No licence is required for **unamplified live music** at any place between 08:00hrs and 23:00hrs if the audience is less than 500.

No licence is required to put on **amplified live music** at a workplace (including outdoor spaces) between 08:00hrs and 23:00hrs if the audience is less than 500.

The provisions of the Live Music Act 2012 / Legislative Reform (Entertainment Licensing) Order 2014 enable premises granted an 'on sales' alcohol premises licence to put on performances (in the alcohol licensed area) of **amplified live** and **recorded music** between 08:00hrs and 23:00hrs if the audience is less than 500, without a licence to do so. These music entitlements linked to the on sales of alcohol can only be conditioned, restricted or removed by the General Licensing Panel during a premises licence 'review' application.

Applications where the terminal hour for on sales of alcohol is earlier than 23:00hrs, the recorded music entitlement ceases at the earlier hour but amplified live music can continue to 23:00hrs under the 'workplace' entitlement.

For this application, indoor sporting events, live and recorded music can if necessary be conditioned, restricted or removed after 23:00hrs on Friday and Saturday because these activities are licensable after this hour.

In addition, if the terminal hour for on sales of alcohol is set earlier than 23:00hrs, for example 22:00hrs on a Friday and Saturday, then recorded music is licensable after this hour and can be conditioned, restricted or removed.

Indoor Sporting Events (licensing Act 2003 Schedule 1 Part 3)

A sporting event which takes place wholly inside a building, and at which the spectators present at the event are accommodated wholly inside that building:

- “building” means any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure,
- “sporting event” means any contest, exhibition or display of any sport (other than a boxing or wrestling entertainment), and “sport” includes: any game in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display.

Operating schedule

The applicant has described, in their Operating Schedule, the steps they intend to take to promote the four licensing objectives. These are reproduced in Appendix A1 and in the event that the application is granted, these will be translated, along with the additional conditions agreed with Sussex Police (Appendix A2) into conditions included in the licence (unless the conditions have been modified by the licensing authority following consideration of relevant representations).

3. Licensing History

There is no previous premises licence history.

Environmental Health Complaints

Previous complaints are not deemed relevant for this application.

4. Relevant representations of interested parties

The application has been subject to the usual public advertisement via notices at the location and in a newspaper.

Four representations were received, two in support of the application and two from persons in the vicinity objecting to the application. The representations are reproduced in full in Appendix E. The representations objecting to the application are concerned with crime and disorder, and public nuisance.

5. Representations of the responsible authorities

The Licensing Act 2003 requires that a copy of the application is sent to the responsible authorities.

No representations were received from any of the responsible authorities.

Rother DC Planning	No representation*
Rother DC Env Health Pollution Team	No representation
Rother DC Env Health Food & Safety Team	No representation
East Sussex Fire and Rescue Service	No representation
Sussex Police	No representation**
ESCC Child Protection	No representation
ESCC Public Health	No representation
ESCC Trading Standards	No representation
Home Office Immigration Enforcement	No representation

Planning

*Planning did not make a formal representation, but comments were received and these have been reproduced in Appendix E2.

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.

Sussex Police

**A representation was withdrawn following the applicant's agreement to include additional conditions (these are reproduced in full in Appendix A2).

6. Summary

There are two representations supporting the application and two objecting to the application.

The applicant has agreed additional conditions with Sussex Police.

7. 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.

Under Section 181 and Schedule 5 (Part 3) of the Licensing Act 2003, rights of appeal exist to the Magistrates' Court against the decision of the Licensing Authority. Such appeal may be made on behalf of:

- a) the applicant;
- b) the holder of the Premises Licence; or
- c) any other person who made relevant representations in relation to the application.

8. Consideration

Under s18 Licensing Act 2003 the following options are available to the General Licensing Panel:

- a) to grant the licence subject to the conditions consistent with the operating schedule modified to such extent as considered necessary for the promotion of the licensing objectives;
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates; or
- c) to refuse to specify a person in the licence as the designated premises supervisor; or
- d) to reject the application.

Conditions are modified if any of them is altered or omitted, or any new condition is added.

The General Licensing Panel will be required to give reasons for their decision.

Implications

9. Legal Implications

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

10. Human Rights

The Panel's decision making is guided by the principles of proportionality which require, amongst other things, the Panel to strike the appropriate balance between the competing interests of the applicant, the premises licence holder, the interested parties and the wider community. This balance is achieved by having regard to the provisions of the Licensing Act 2003; the Regulations and Guidance made thereunder, the Council's Statement of Licensing Policy and

the Council’s obligation to act in a way that is consistent with the provisions of the Human Rights Act 1998.

11. Crime and Disorder

The Prevention of Crime and Disorder is a specific licensing objective and the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its district.

12. Conclusion

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

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	Yes	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Mark Randolph, Senior Licensing Officer
e-mail address:	licensing@rother.gov.uk
Appendices:	Appendix A1: Operating schedule Appendix A2: Additional conditions agreed by the applicant with Sussex Police Appendix B: Location plan Appendix C: Proposed licensed area Appendix D: Photographs Appendix E1: Representation received from interested parties Appendix E2: Comments received from Planning Department
Relevant Previous Minutes:	N/A
Background Papers:	NONE
Reference Documents:	Revised guidance issued under Section 182 of Licensing Act 2003 https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003 RDC Licensing Policy 2021 https://www.rother.gov.uk/wp-content/uploads/2021/02/Rother-Licensing-Policy.pdf

Operating Schedule.

How the applicant intends to promote the four licensing objectives. These will be translated into conditions included in the licence (unless the conditions are modified by the licensing authority following consideration of relevant representations).

a) General – all four licensing objectives (b,c,d,e): As an existing business we currently take the steps needed to promote the four licensing objectives to a high standard and will continue to do so if granted this licence, paying particular attention to the sale of alcohol. All staff will be fully trained/retrained in their responsibilities with regard to the sale of alcohol and in accordance with The Three Legs Brewing Company Alcohol Retail Sales Policy

b) The prevention of crime and disorder: No person under the age of 18 will be sold alcohol or given alcohol to sample.

A “Challenge 25” policy is operated where anyone appearing to be under 25 is asked to provide ID to prove they are over 18. Accepted forms of ID are photo driving licence, passport and card bearing the PASS hologram.

All alcohol sold will be in pre-calibrated containers or, in the case of beer and cider, multiples of half or third pints, in accordance with the Weights and Measures Regulations.

No drunk or disorderly behaviour will be allowed on or around the premises. Persons who are drunk or disorderly will be refused service and asked to leave. A licencing log book will be kept which will include, but is not limited to, a list of staff members who have been given training and have the authority to sell alcohol on the premises, any incidents affecting the Premises Licence, refusals of sale, checks of ID, staff training, Police and Licensing Authority visits. This log book will be available to the police or council officer on request.

Sufficient trained staff will be on the premises during licensable opening hours and any planned events.

c) Public safety: Appropriate fire safety procedures will be in place throughout the building. Fire exits will be located and clearly visible at each end of the building with easily operable openings.

Regular health and safety checks will be carried out on fixtures and fittings, particularly those used by the public, and logged with any action needed to be taken.

Staff will be trained to be alert to any potential danger to customers and react safely and accordingly. If the situation cannot be defused quickly or easily without risk to customers or staff, then staff will be trained and instructed to call the police.

An accident/incident book will be kept on site to record any accident or injury incurred on the premises by customers or staff. A first aid kit will also be kept on site if needed. No medication will be offered to the public.

d) The prevention of public nuisance: As the premises is close to residential areas, noise levels will be continually monitored.

Customers will be asked to leave the premises quietly and respectfully with regard to our neighbours. A sign can be displayed to remind customers of this when exiting the premises.

We will operate a “No Drinks Outside” policy after 10pm to limit noise levels late at night.

Regular checks will be carried out outside the front of the premises and close surrounding areas to ensure a clean and tidy environment.

e) The protection of children from harm: No person under the age of 18 will be sold alcohol, or given alcohol to sample.

A “Challenge 25” policy is operated where anyone appearing to be under 25 is asked to provide ID to prove they are over 18. Accepted forms of ID are photo driving licence, passport and card bearing the PASS hologram.

If it is known that a customer is intending to purchase alcohol to provide to an under 18, then the sale will be refused and recorded in the Licencing Log Book. All children on the premises must be supervised by an adult at all times.

Additional conditions agreed by the applicant with Sussex Police

CCTV

Subject to GDPR guidance and legislation:

- (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.
- (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- (c) CCTV footage will be stored for a minimum of 31 days
- (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- (f) The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.
- (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

Training/Authorisation:

- (a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - *The lawful selling of age restricted products
 - *Refusing the sale of alcohol to a person who is drunk
 - * An awareness and understanding of Safety Initiatives such as 'Ask For Angela' & 'Safe Space'
- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- (c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- (d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

Challenge 25:

- (a) The premises will operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
- (b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

Incident/Refusal Log:

- (a) An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least no more than four (4) weeks.
- (b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- (c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- (d) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

Outside Areas

- (a) BEECHING ROAD STUDIOS PROJECT management will have a clear dispersal policy for all events and trading times that upon exiting the premises patrons will be reminded to leave the premises quietly and relevant signage & message to enforce this is to be put in place.
- (b) The Outside area must be kept clean and tidy and any broken glasses or polycarbonates will be disposed/removed and dealt with by staff of BEECHINGS ROAD STUDIO PROJECT
- (c) Outside areas are to be well lighted and promote good visibility to those entering and exiting the premises.
- (d) No open vessels shall be allowed off the premises and can only be consumed within the licensed area
- (e) Customers will not be permitted to take alcohol outside the premises to consume after 2200hrs and all patrons will be asked to relocate in to the premises as the outside area will close at 2200hrs.

OFF Sales

- (a) All sales of alcohol, for consumption off the premises, to be made in a sealed container.

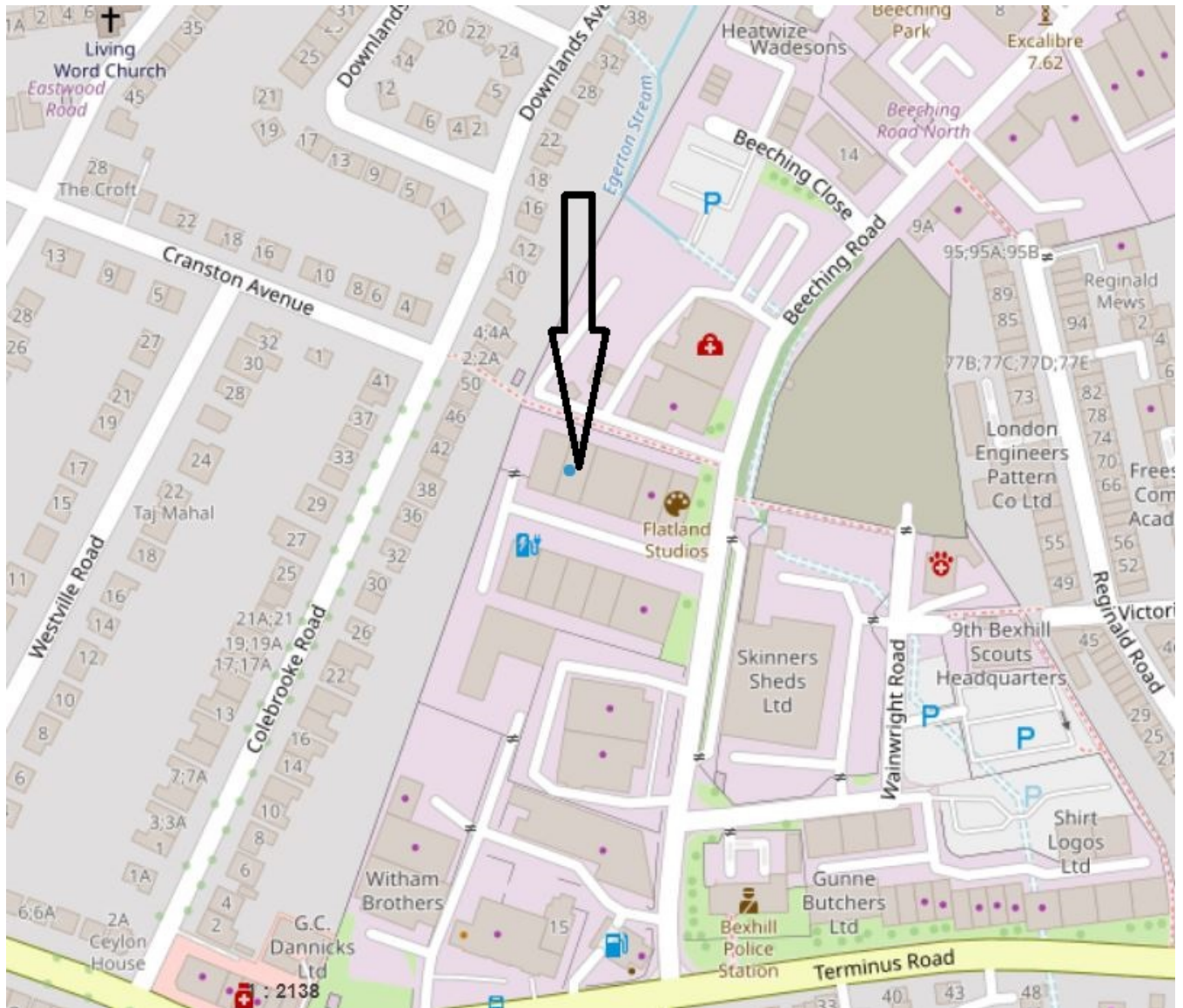
SIA

- (a) All pre-booked events shall be risk assessed by the Designated Premises Supervisor and a minimum of one SIA registered door staff shall be on duty on any occasion where the risk assessment shows it to be necessary. The door staff shall be on duty from 30 minutes prior to the start of the event until 30 minutes afterwards.

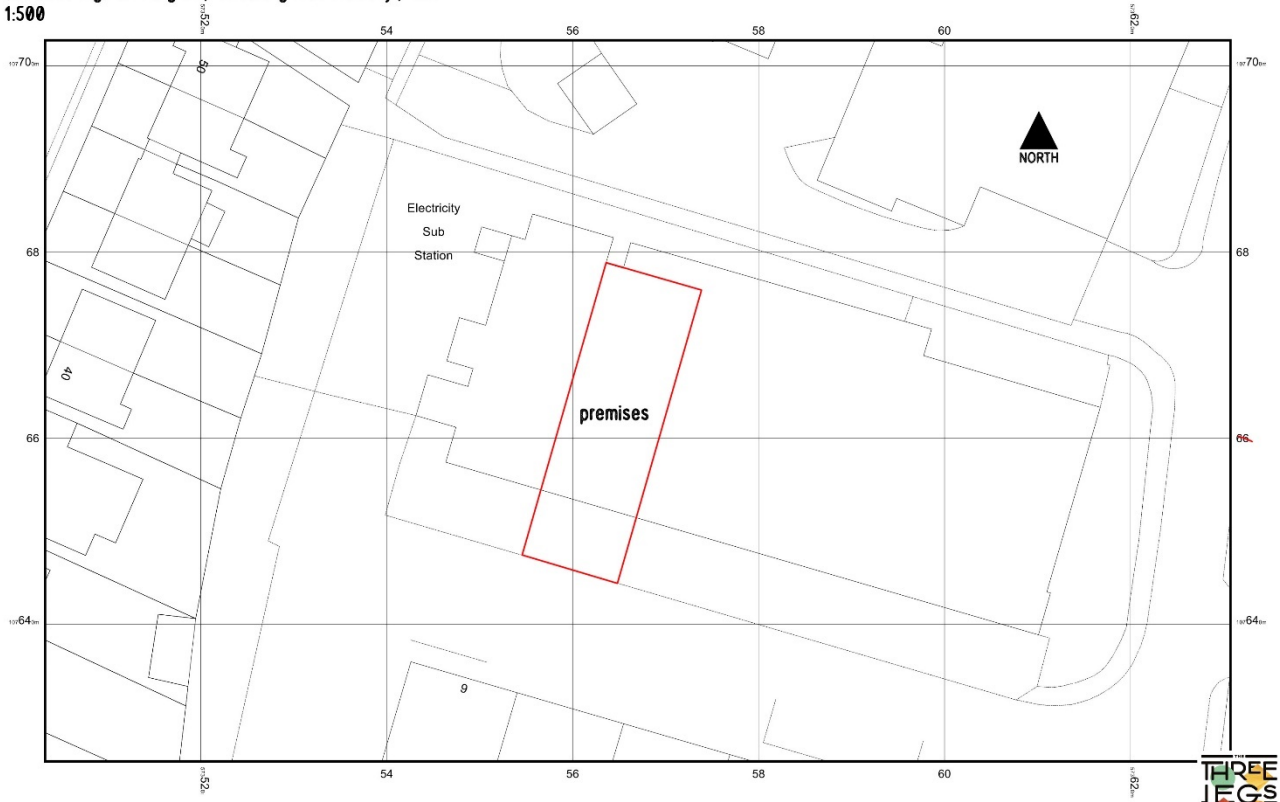
Deliveries:

- (a) Deliveries of goods necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The same applies to waste collections.
- (b) All alcohol orders (whether online, completed by the customer on paper, via the phone or verbally face to face) will contain age verification, whereby the customer will be asked to confirm that they are over 18 and a tick box must be marked to confirm this.
- (c) All deliveries of alcohol must be made by a person over the age of 18 years
- (d) Alcohol shall not be delivered to anywhere other than a recognisable permanent business or residential address.
- (e) In the event that there is no one to accept delivery, alcohol shall not be left on the doorstep or any other place. It can however be left securely with a neighbour as long as they are over 18.
- (f) Each and every delivery must be signed for and the person delivering the alcohol must request appropriate photographic ID from the recipient if that person is believed to be under 25 years of age. If no such ID is produced the alcohol will not be delivered.
- (g) Delivery staff must be trained in delivery of alcohol and challenge 25 prior to commencing deliveries.

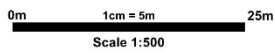
Location plans



the three legs brewing co / beeching road brewery / unit 11
1:500

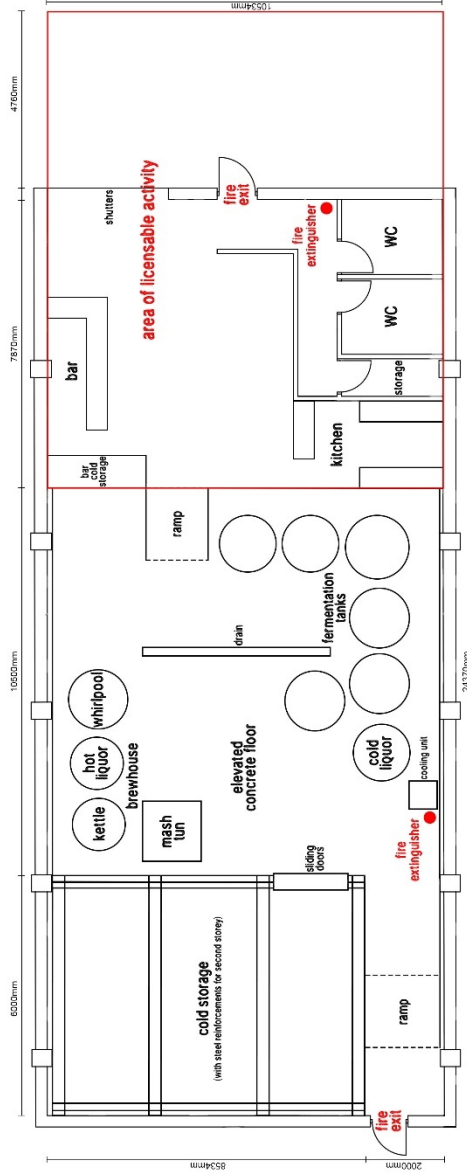


Scaled to A4 paper size.



Proposed licensed area

the three legs brewing co / beeching road brewery / unit 11
 area of licensable activity
 1:100



Please note these plans are indicative meaning they show the likely layout of the site.
 Scaled to A3 paper size.



Photographs

1 – view towards unit 11 and the rear of Colebrooke Road



2 – view from the premises towards Beeching Road



3 – Unit 11



4 – view towards Beeching Road



Representations from interested parties

1. R Goodsell

From: Robert Goodsell
Sent: Sunday, April 23, 2023 12:50 PM
To: licensing <
Cc: Robert Goodsell
Subject: Premise License Application.

Three Legs Brewing Company for license at Unit 11 , Beeching Road Studios, 26 Beeching Road , Bexhill.

Dear sir/ Madam.

I write to support the above current application. The Three Legs Brew Co produces a wide range of highly regarded real ales.

I moved to Bexhill eighteen months ago from Hampshire. One of the key attractions of Bexhill was its support to independent businesses. The Three Legs Brew co is a fine example of a well run independent company which would further add to Bexhill's attractiveness.

And not forgetting the importance of new job opportunities at a well respected company.

Yours sincerely
Robert Goodsell
Glenleigh Avenue
Bexhill on sea
TN39 4EQ.

2. R Carcas

From: Richard Carcas <
Sent: Wednesday, April 19, 2023 7:57 PM
To: licensing <
Subject: Three Legs Brewery application

Good evening

Bexhill resident just putting my name in support of the recent application made by a rother business to relocate to Beeching Road.

The extension of a tap room also an excellent idea, seen in practice how well these work in other towns (Lewes, beak Brewery and Abbys Brewery taps). The committee need to be made aware to such successful enterprises in our county that are thriving.

An additional attraction to the town and an area which is significantly under used, accessible by transport links.

Regards

Richard Carcas
Wilton Road, Bexhill

3. W Morton

From: Wendy Morton

Sent: Thursday, April 20, 2023 5:40 PM

To: licensing

Subject: Premises Licence Application The Three Legs Brewery

Regarding Premises Licence Application, Unit 11, Beeching Road Studios, Bexhill TN39 3LJ

As a nearby resident I broadly welcome the relocation of The Three Legs Brewery to Unit 11 Beeching Road, and the owner's plans for events mentioned in his Concept Proposal.

However, I do have concerns about the hours the premises will be open to the public to sell alcohol and hold events as shown on the Licence Application.

These are considerably longer than mentioned as Taproom Trading Hours by The Three Legs Brewery in Appendix 2 of their Planning Statement and as such are more likely to cause a public nuisance to the residential area, with associated crime and disorder.

The Beeching Road site is bordered by alleyways that are already subject to antisocial behaviour and the opening hours on the Licence Application are unlikely to be helpful.

I therefore object to the Licence Application with the hours shown in the Application and would ask for shorter hours, as in the Taproom Trading Hours Planning Statement, to be considered.

Yours sincerely

Patricia Morton
Colebrooke Road
Bexhill
TN39 3PZ

4. C Deeprise

Mrs Christine Deeprise
Colebrooke Road
Bexhill on Sea
East Sussex
TN39 3PY

27 April 2023

Licensing Officer
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

licensing@rother.gov.uk

Dear Sir/Madam,

With regards to the proposed premises licence at Unit 11, Beeching Road Studios, Beeching Road, Bexhill, I hereby object to the application.

The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives with regards to the prevention of public nuisance. My particular concern in relation to this issue is the hours which are the subject of this application.

The premises in question at its closest point is situated around thirty metres from the private amenity space serving my property. With allocated car parking spaces almost immediately adjoining, plus also the useable area surrounding, it is all within close proximity of our boundary. As it currently exists within this area, there is no late evening activity at all, including from businesses, or pedestrian/vehicle traffic.

The company Phase Electrical occupies the unit(s) directly opposite, with their hours of business believed to not extend beyond 17:30 during the week, and midday on Saturday. In addition, they also appear to be closed on Sundays. The only other businesses or activity that occur within this area are located at some distance from our property nearing the main road. This includes the company Screwfix, whose business hours do not extend beyond 20:00 during the week, 18:00 on Saturdays, and 16:00 on Sundays. It is important to highlight that both of the aforementioned companies are significantly different in terms of their use from the business which is the subject of this application.

In direct relation to this licensing objection, the potential for public nuisance was recognised by Environmental Health during the corresponding planning application for this site, and subsequent conditions were imposed with regards to opening hours to *'limit the potential*

for nuisance to arise from patrons on site and arriving and leaving the site but, particularly because of the parking spaces at the rear of the site nearest the residential properties on Colebrooke Road...'. These recommended hours were contested by myself then and remain contested in terms of the extended hours stated in this licence application.

Given the lack of any form of activity or resulting noise in this area in the evening as described above, the introduction of a business such as this with the hours proposed in this licence, and the activities it will attract, is felt would undoubtedly introduce a level of noise and disturbance that currently does not exist in this location, to the detriment of the nearby residential properties on Colebrooke Road. In this sense, any decision to limit the potential for disturbances, by still including evening hours, is felt would in fact have the opposite effect. My objections I feel are particularly relevant, if not exacerbated, given that the premises will likely have an open frontage when in use.

While I am not in opposition to the business, it is felt that suitable hours, more reflective of those associated with Screwfix for example, would protect nearby residential properties from adverse public nuisance. However, in light of the above, I would urge the Licensing Authority to refuse the application as it currently stands.

Yours faithfully,

Mrs Christine Deeprise

Comments received from Planning Department
(information only, this is not a formal representation)

ROTHER DISTRICT COUNCIL

From: Planning
To: Community Environment Division
Our Ref: PE/00112/2023
Date: 25 April 2023
F.A.O: Pollution

LICENSING APPLICATION

Re: The Three Legs Brewing Company, Beeching Road Studios, 26 Beeching Road, Bexhill on Sea, TN39 3LJ

Premises Licence application to allow on and off sales of alcohol, Monday 12:00-20:00hrs Tuesday-Thursday 12:00-22:00hrs Friday- Saturday 12:00-00:00hrs Sunday 12:00-22:00hrs.

Film, Monday 12:00-20:00hrs Tuesday-Thursday 12:00-22:00hrs Friday-Saturday 12:00-00:00hrs Sunday 12:00-22:00hrs.

Indoor Sporting Events, Monday 12:00-20:00hrs Tuesday-Thursday 12:00-22:00hrs Friday- Saturday 12:00-00:00hrs Sunday 12:00-22:00hrs.

Live Music, Monday 12:00-20:00hrs Tuesday-Thursday 12:00-22:00hrs Friday-Saturday 12:00-00:00hrs Sunday 12:00-22:00hrs.

Recorded Music, Monday 10:00-20:00hrs Tuesday-Thursday 10:00-22:00hrs Friday- Saturday 10:00-00:00hrs Sunday 10:00-22:00hrs

I draw you attention to recently granted planning permission RR/2023/328/P – Condition 6:

The use hereby permitted shall not be open to customers before the hours of 12:30 or after 22:30 on Friday and Saturday and before 15:00 or after 22:00 on Wednesday and Thursday and before 12:30 or after 20:00 on Sundays and Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

Condition 3:

The rating level, LA_r,Tr, of sound emitted from all fixed plant at the development hereby permitted shall not exceed LA_{90,15min} background sound levels by more than 5 dB between the hours of 0700-2300 at the nearest sound sensitive premises and shall not exceed the LA_{90,15min} background sound level between 2300-0700 at the nearest sound sensitive premises. All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents and comply with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and paragraphs 174 and 185 of the National Planning Policy Framework 2021.

A handwritten signature in black ink, consisting of several stylized, overlapping loops and a final upward stroke.

For Director of Place and Climate Change