

**APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003
RED LION, 32 HIGH STREET, MILFORD-ON-SEA**

DECISION OF THE SUB-COMMITTEE

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

Live music:

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 11.00 to 23.30
Sunday 12.00 to 22.30

Recorded music:

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 00.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 12.00 to 22.30

Provision of facilities for making music:

Mondays 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 11.00 to 23.30
Sunday 12.00 to 22.30

Provision of facilities for entertainment of a similar description to making music:

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 23.00
Friday 11.00 to 23.30
Saturday 11.00 to 23.30
Sunday 12.00 to 22.30

Supply of alcohol:

Monday 11.00 to 23.00
Tuesday 11.00 to 23.00
Wednesday 11.00 to 23.00
Thursday 11.00 to 00.00
Friday 11.00 to 00.00
Saturday 11.00 to 00.00
Sunday 12.00 to 22.30

Non-standard hours:

The licensable activities listed above shall be permitted for a further one hour on six separate occasions per annum.

The licensable activities listed above shall be permitted from 1200 to 1500 hours and 1900 to 2300 on Christmas Day.

The licensable activities listed above shall be permitted from 11.00 on New Year's Eve to the end of permitted hours on New Year's Day

Hours premises to be open to the public

Monday 11.00 to 23.30
Tuesday 11.00 to 23.30
Wednesday 11.00 to 23.30
Thursday 11.00 to 00.30
Friday 11.00 to 00.30
Saturday 11.00 to 00.30
Sunday 12.00 to 23.00

The premises are permitted to be open for a further one hour on six separate occasions per annum in line with the six separate occasions permitted above. For the purposes of clarity the six extra opening hours detailed must relate to the same six hours on which licensable activities are taking place as detailed above.

The licensable activities listed above shall be permitted from 1200 to 1500 hours and 1900 to 2300 on Christmas Day.

The premises are also permitted to be open from 11.00 on New Year's Eve to 30 minutes after the end of permitted hours for the supply of alcohol on New Year's Day

Mandatory conditions:

As provided in the Licensing Act 2003

Other conditions:

1. All external doors and windows shall be kept closed after 23.00 hours other than for access and egress.
2. Notices shall be displayed in prominent positions within and outside the premises requiring patrons to leave quietly and respect local residents.
3. Patrons shall not be permitted on the premises outside the building itself, including the garden, after 23.00 hours other than for the purpose of access and egress.

REASONS FOR THE DECISION

The Sub-Committee carefully considered the evidence, both written and oral, supplied by the parties.

In respect of the standard finish time for the licensable activities the Sub-Committee had particular regard to representations concerning noise nuisance.

However, they considered that permitting a longer period for licensable activities would enable customers to emerge from the premises at a more gradual rate. They further considered that this would reduce the concentrated effect of noise likely to arise when numbers of people leave the premises at the same time and this would promote the licensing objective relating to the prevention of public nuisance.

The Sub-Committee noted that some representations were to the effect that patrons outside the premises, notably the garden, caused noise. They considered a condition should be placed on the licence to prevent this after 23.00 hours. The Sub-Committee also noted that objectors had made the point that by extending the current hours during which licensable activities take place had the potential for public nuisance to occur. However, in the absence of any evidence that this will in fact be the case, the Sub-Committee do not feel they can restrict opening hours on the basis of speculation.

In light of the above the Sub-Committee considered that it would be consistent with the licensing objectives if the application were largely granted. Having considered the conditions suggested by the Environmental Protection Section, the Sub-Committee decided that at the present time it was not appropriate to impose such conditions. However, should a statutory nuisance be established in the future, action may be taken under the appropriate statutory regime including the Environmental Protection Act.

However, the Sub-Committee considered that during the working week it would be reasonable to suppose that the performance of live music, provision of the facilities for making music and provision for the facilities for entertainment of a similar description would potentially be more likely to give rise to public nuisance than at other times. In the circumstances, it takes the view that these licensable activities should cease at 23.00 hours on Thursdays.

The Sub-Committee would also wish to comment that its reasons for allowing the provision of recorded music until midnight on Thursdays, Fridays and Saturdays was in line with the information provided by the Applicant, that this amounted to background music for the enjoyment of its patrons.