

Licensing Act Sub-Committee - Record of Hearing held on Thursday 11 July 2012 at 6.00pm

MEMBERS: Councillor Mrs HEAPS (Chairman); Councillors MURRAY and Mrs WEST.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence – The Beach Deck, Treasure Island.

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

The Licensing Manager outlined the report regarding the application for a new premises licence for the Beach Deck, Treasure Island, Royal Parade, Eastbourne.

The Licensing Manager advised that during the consultation process, three representations had been received objecting to the proposal under all four of the licensing objectives. Representations had also been received from Sussex Police and Eastbourne Borough Council's Noise Team.

Following the representations received from Sussex Police and EBC's Noise Team, the applicant had been advised a set of conditions that could be applied should the premises licence be granted and these were included in the report. The applicant had agreed to impose those conditions and subsequently Sussex Police, EBC Noise Team and two of the representations withdrew their objections. The remaining representation Mr Lear had informed the Licensing department that he wished to uphold his representation.

Mr Porter, present on behalf of T.I Eastbourne Ltd, the applicant, addressed the Sub-Committee and gave an overview of the proposed scheme and clarified that the premises of The Beach Deck would be a separate entity from the neighbouring Treasure Island premises.

Mr Porter then advised the Sub-Committee how he would promote the four licensing objectives. The premises would offer a restaurant/café type service that would serve breakfast/brunch/lunch/dinner throughout the day and would appeal to a vast market. Addressing the concern over alcohol and drunken behaviour, Mr Porter clarified that a customer would only be able to order drinks once they had been seated and placed an order with a waiter/waitress. It was also explained that CCTV would be implemented around the premises. Further details on how the applicant would promote the four licensing objectives was appended to the report.

The Sub-Committee was also informed by Mr Porter that a local residents meeting had taken place with around 50-60 attendees. The plans of the premises were outlined to residents and any concerns were addressed. It was felt that the majority were positive about the impact a new restaurant would have on the area. The nearby bed and breakfast houses were especially

pleased that The Beach Deck would offer a place for those staying with them a nearby evening meal.

When asked by the Sub-Committee over noise disturbance to the nearby vicinity, Mr Porter reassured that the music would only be background music and no speakers would be placed outside the premises. In the summer, the front doors would be open but the music would be played at such a level that it wouldn't be audible beyond the perimeter of the premises.

The applicant had sought for the premises to be open to the public from 08:00 hours – 23:30 hours seven days a week. The Sub-Committee asked Mr Porter why they had sought to open at such an early time. Mr Porter explained that the surrounding area gets very busy during the morning and the premises would offer a place for the public to have their cooked breakfasts. Mr Porter clarified that no alcohol would be sold until 12:00 hours.

Mr Porter then gave an insight to the Sub-Committee about his previous history of licensed premises and his experience with dealing with the public following a question from Mr Lear.

Mr Lear then addressed the Sub-Committee objecting to the proposal specifically in relation to the protection of children from harm licensing objective. It remained a concern to Mr Lear that consumption of alcohol near to the neighbouring Treasure Island premises would place children at risk of harm and potentially compromise an adult's judgement. It was also a concern that the premises would encourage excessive consumption of alcohol and irresponsible drunken behaviour given the culture in England.

Mr Porter had earlier explained that The Beach Deck was not looking to attract the young adult market evident by the removals of arcade machines and predominantly would be aimed at families and adult couples.

The Sub-Committee asked Mr Porter over what experience and age group the staff at the Beach Deck would have. Mr Porter explained that all staff would be thoroughly trained and age would vary throughout the workforce. Mr Porter also informed that the managers and head chef were heavily experienced.

Before the Sub-Committee deliberated, the Licensing Manager asked Mr Porter to clarify over the applications non standards timings. If granted, the premises on New Years Eve would be open from 08:00 hours – 01:30 hours. The supply of alcohol and recorded music would finish at 00:30 hours.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted, the four licensing objectives and the Council's Statement of Licensing Policy.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

RESOLVED: That the new premises application in respect of the Beach Desk, Treasure Island be granted as set out in the attached appendix.

The meeting closed at 6.50 p.m.

**Mrs C Heaps
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 11 July 2012

Premises Licence Holder:
Premises: T.I (Eastbourne) Ltd
The Beach Deck, Treasure Island, Eastbourne

Reasons for Hearing: Relevant representations received from interested parties under the public safety, prevention of public nuisance, protection of children from harm and prevention of crime and disorder licensing objectives

Parties in attendance: On behalf of the applicant: Mr Ben Porter
Interested Parties: Mr Stuart Lear.
Licensing Authority: Mr J Virgo (Licensing Manager) and Mr G Johnson (Regulatory and Litigation Lawyer).

Decision made: To grant the new Premises Licence as follows:

Open to the Public:

Monday – Sunday	08.00 hours – 23.30 hours
New Years Eve	08.00 hours – 01.30 hours

Recorded Music Indoors & Outdoors

Monday – Sunday	08.00 hours – 23.00 hours
New Years Eve	08.00 hours – 00.30 hours

Supply of Alcohol on the Premises

Monday – Sunday	12.00 hours – 23.00 hours
New Years Eve	12.00 hours – 00.30 hours

Subject to the following conditions:

- 1) Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal.
- 2) Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals provided on the

premises”

3) Any amplified music or speech at the premises should be at a background level, this being that people in the premises can talk to each other without raising their voices. Amplified Music or speech should not be audible beyond the perimeter of the premises

Reasons for Decision: The Sub-Committee has granted the application for a Premises Licence subject to the conditions specified having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003, the licensing objectives and the Council’s Statement of Licensing Policy.

The Sub-Committee has weighed up the applicant’s submissions alongside the representations made by the interested parties.

The Sub-Committee was satisfied with the submissions made in support of the application and the measures offered by the applicant to address the concerns raised by Mr Lear in respect of the protection of children from harm licensing objective.

The additional conditions to the licence proposed by Sussex Police and Eastbourne Borough Council’s Noise Team accepted by the applicant were agreed as necessary to promote the licensing objectives.

Date of Decision: 11 July 2012

Date decision notice issued: 19 July 2012

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

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant in the case of refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed on the licence.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.