



## Licensing Act Sub-Committee – Record of Hearing held on Wednesday, 16 April 2014 at 6.00 pm

**Members:** Councillor Ungar (Chairman), Councillors Murray and Warner

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**1 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct. (Please see note at end of agenda).**

None were declared.

**2 Application for a New Premises Licence - Seaside Recreation Ground.**

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

The Senior Specialist Advisor outlined the report regarding the application for a new premises licence for Seaside Recreation Ground. Section P of the application, detailed in Appendix 1 showed steps taken by the applicant to promote the licensing objectives.

Representations had been received from members of the public and these were included at appendix 3. The representations centred on the prevention of crime and disorder and the prevention of public nuisance (noise) licensing objectives. No representations had been received from responsible authorities. The Sub-Committee was advised that Mr Button had withdrawn his representation against the application following discussions with Councillor Wallis.

Two letters in support of the application had been submitted and these were included at Appendix 4. One representation had been received by the Licensing Authority outside of the statutory consultation timeframe and this was included at Appendix 5. The Sub-Committee was advised that this representation should be for information purposes only.

Councillor Wallis addressed the Sub-Committee in support of the application. He expressed his thanks to both Eastbourne Borough Council's Events Team and the local residents whose views were vital during the process and had helped contribute to the application.

The Seaside area had received lottery grant funding of £100,000 per annum for 10 years and Councillor Wallis stressed the importance of investment in the town. The Sub-Committee was also advised that various new groups such as the Devonshire West Big Local Group and Friends of Seaside Rec had been formed looking at ways to improve and bring events to the area.

Facebook pages had also been set up allowing residents to suggest ideas for the area.

Councillor Wallis made reference to the application, notably the absence of representations from any responsible authorities. He made reference to the various representations received from members of the public that offered a variety of views. He suggested that a compromise be sought to address the concerns raised.

Some of the representations focused on a potential car parking issue in the area. Councillor Wallis reassured the Sub-Committee that car-parking space would be taken into account for each event on a case by case basis. He also advised that the majority of events would be targeted at families with less emphasis on alcohol. This was referenced in Section N of the application. Councillor Wallis also advised that events would not run continuously and that the quantity of events would vary throughout the year.

Taking onboard the concerns raised by some residents, Councillor Wallis recommended that the supply of alcohol should cease at 21:00 hours and all events should cease at 22:00 hours to reassure residents that there would be no disturbance to the area, particularly in the evening. The Events Development Manager advised that he was happy with these suggested recommendations.

The Sub-Committee asked the Events Development Manager whether similar licences that the Council had granted restricted children from entering areas where alcohol was sold. The Events Development Manager responded that a risk assessment would occur for every event to determine whether access to an area needed to be restricted.

The Sub-Committee also queried regarding circus events that was referenced in the application. The Events Development Manager advised that normally Princes Park was the designated location for circus events as it was visible from the public road. He reassured the Sub-Committee that it was unlikely that the licence would utilise circus style events at Seaside Recreation Ground and that this use could be removed from the application.

The Events Development Manager was asked whether any assessment had been done regarding parking. Councillor Wallis reiterated that each event application would be judged individually. He referenced the fact that circus events had been included on the application but agreed that it would create parking issues and therefore was unsuitable for the premises. He commented that while the application allows for flexibility regarding events, it was not in the applicant's interest to create parking issues in the area. If a risk assessment had identified parking issues with a specific event, it would not take place.

The Sub-Committee asked how this application differed from the past application for Five Acre Field. The Events Development Manager responded that the Five Acre Field application was a one-off application due to the Olympic Year of 2012. Big Screens had been set up for Olympic coverage in Princes Park where the circus was normally held and it was initially recommended that the Olympic event and the circus take place at different

venues. The application did not progress and both events remained at Princes Park.

In a response to a question from the Sub-Committee, the Events Development Manager advised that each individual event plan would have the necessary criteria for enforcement.

The Sub-Committee queried whether the application could be altered to restrict the number of events over the course of a year. Councillor Wallis responded that this would be restrictive and outlined the process of applying for events. The Facebook page set up would allow for suggestions of events and the Council's Events Team would monitor the applications and reject any that were unsuitable. He stated that it would be a surprise if a large quantity of events were submitted in a small period of time. He recommended that it was better to judge events on a case by case basis rather than restrict the number of events permitted each year. The Events Development Manager advised that the process for each event could take up to 3 months and would need to be approved by the Ward Councillors and Friends of Seaside Rec Group.

The Sub-Committee was notified that Ms Heidi Lane had requested to speak at the meeting however had not submitted a written representation within the prescribed period. The Sub-Committee agreed that Ms Lane be permitted to address the meeting in the interests of a fair hearing.

Ms Lane advised that she was chair of "Big Local" for Devonshire Ward. She stated that the area was in need of improvement. Currently there was nothing being done in the area and the lottery grant has provided a great opportunity to build the community by hosting a variety of events.

She continued by stating that Seaside Recreation Ground was the only green area in Devonshire West and currently the area was bleak compared to the vibrant Gildredge Park where there was a café and play area for children. The licence could potentially attract interest from the Bonfire Society and host food festivals and summer fairs. Ms Lane advised that events where alcohol was sold could be civilised and that no event was designed to cause noise or disturbance to the surrounding area.

Ms Lane stated that sustainable growth was key and with the tourist industry on the rise, Seaside Recreation Ground needed events to attract tourists and provide income to the town. She referenced some of the representations that had been made from members of the public that had complained about drug dealers and street drinkers in the area. She suggested that more licensed events would provide greater control over the area and deter those individuals. Ms Lane concluded by recommending that the Sub-Committee approve the application.

Mr Spence addressed the Sub-Committee in objection to the application. He stated that while he did not object to events as the area was in need of improving, he objected to any events where alcohol was sold and finished late in the evening. He advised that Seaside Recreation Ground was a children's play park and any events where alcohol was sold would give out the wrong message and go against East Sussex County Council's Alcohol Strategy.

He advised the Sub-Committee that he did not use Facebook and was concerned that he would not be kept informed about what was going on in the area. He believed that the application did not require the sale of alcohol as this was provided by the nearby Kings Arms pub. He informed the Sub-Committee that there had been several events held on the park such as Lark in the Park, French markets and psychic fairs as evidence that the Park was not bleak or dull. He reiterated his objections to the sale of alcohol on the premises.

Following all the evidence presented to the Sub-Committee, the Events Development Manager summarised on behalf of the applicant. He advised that he had organised events for 25 years and the majority had been targeted at families. He informed the Sub-Committee that licensed bars at events such as Extreme Eastbourne was a key revenue maker for the event as it was for various others. There had been no major issues or recorded incidents with any events that had been organised over the years.

Mr Spence summarised his representations by advising that while various events referenced by the Events Development Manager had sold alcohol, Seaside Recreation Ground was situated close to residential homes and there was a potential for noise and disturbance to the area.

Ms Lane summarised her representations by advising that the issue of drug dealers and street drinkers was a greater cause for concern than the application for events to take place on the premises.

Councillor Warner advised that he had taken on board all the concerns that had been raised and was pleased with the enthusiasm to rejuvenate the area. He queried whether local residents would be consulted on events in addition to Ward Councillors and Community Groups. Councillor Wallis responded that any issues from residents could be relayed directly to him.

Mr Moore addressed the Sub-Committee and raised concerns regarding the impact of events on living space and was unsure about the consultation process. In his experience as an estate agent, the events would have a negative impact on house prices. He expressed his disappointment that no representation had been received from the responsible authorities as events in the area would require more policing. He also believed that any events taking place would not solve the existing problems in the area as the drug dealers in the area operated late at night.

Ms Bowman, Co-Chairman of Friends of Seaside Rec responded to Mr Moore's representation. She clarified that the drug problem in the area occurred during the day. She informed the Sub-Committee that the majority of residents supported the application.

The Sub-Committee asked for clarification over the consultation process that took place for the application following the concerns raised by some residents. The Events Development Manager advised that all the correct legal procedures were followed. Councillor Wallis added that a leaflet was delivered to all residents in the area and two separate meetings had been set up.

The Senior Specialist Advisor clarified that although the applicant was Eastbourne Borough Council, the Council's Licensing Team role operated in accordance and had followed all the appropriate legal procedures.

The Sub-Committee then retired to consider and determine the application, having regard to the representations submitted, the four licensing objectives, guidance under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

Legal clarification was sought over the possibility of granting a licence for a temporary period. The Lawyer clarified that while under certain circumstances such as taxi driver applications, a temporary period may apply it was not appropriate for this application. He referenced the review system in place should any of the Responsible Authorities or an interested party feel that any of the licensing objectives have been undermined.

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

**RESOLVED:** That the premises licence application in respect of Seaside Recreation Ground be granted in parts as set out in the attached appendix.

The meeting closed at 8.01 pm

**Councillor Ungar (Chairman)**

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## Eastbourne Borough Council Decision Notice

### Licensing Act Sub-Committee held on Wednesday 16 April 2014

Premises Licence Holder: Eastbourne Borough Council.  
Premises: Seaside Recreation Ground.  
Reasons for Hearing: Relevant representations received from interested parties under the prevention of crime and disorder and the prevention of public nuisance (noise) licensing objectives.  
Parties in attendance: For the applicant:  
Mr Mike Marchant (Events Development Manager)  
Licensing Authority:  
Mr Jay Virgo (Senior Specialist Advisor)  
Legal Advisor:  
Mr Andy Couper (Temporary Lawyer)  
Ward Councillor:  
Councillor Steve Wallis  
Interested Parties:  
Ms Heidi Lane, Mr Stephen Spence, Ms Carol Bowman and Mr Richard Moore.  
Decision made: That the application be granted on the following grounds:

#### **Hours premises are open to the public**

Monday – Sunday 00:00 – 00:00 hours

**Plays (on and off the premises), Films (on and off the premises), Indoor sporting events, Live music (on and off the premises), Provision of recorded music (on and off the premises), Performances of dance (on and off the premises), Anything of a similar description (on and off the premises), Provision of facilities for making music (on and off the premises), Provision of facilities for dancing (on and off the premises), Provision of facilities for entertainment of a similar description**

Monday – Sunday 08:00 – 22:00 hours

## **Supply of alcohol (on the premises only)**

Monday – Sunday                      09:00 – 21:00 hours

Subject to the following conditions:

- That no circus events be held on the premises.
- That the applicant follows the steps detailed in Section P of the application to promote the four licensing objectives.

Reasons for Decision:                      The Sub-Committee has granted the application in parts 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, the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Department of Culture, Media and Sport.

In reaching their decision, the Sub-Committee has weighed up the applicant's submissions alongside the representations received by Councillor Wallis and members of the public when considering the likely effect of granting the application in the terms applied for on the licensing objectives.

The Sub-Committee requested that the steps, detailed in Section P of the application be embedded with the licence to demonstrate their intent to ensure the licence does not undermine the four licensing objectives.

Legal clarification was sought by the Sub-Committee in relation to the possibility of granting the licence for a temporary period. Councillor Warner explained at the end of the meeting that while he did not object to the application due to the potential for great events being held on the premises, he was mindful of the concerns raised by some local residents and wanted to reassure them of the thorough review process available. The Chairman concurred with this view.

The Sub-Committee clarified that a review of the licence may be called by any of the Responsible Authorities or an interested party should anybody feel that any of the licensing objectives have been undermined.

Date of Decision:                              16 April 2014

Date decision notice issued:                      1 May 2014

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.

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