

Licensing Sub-Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 7 August 2023 at 6.17 pm.

Present:

Councillor Daniel Butcher (Chair).

Councillors Kathy Ballard and Colin Belsey.

Officers in attendance:

Michele Wilkinson (Lawyer (Housing & Regulatory)), Dean Love (Specialist Advisor (Reg Services)), Jo Dunk (Regulatory Services Lead), Jade Marshall (SA Regulatory Services, Licensing), Emily Horne (Committee Officer) and Elaine Roberts (Committee Officer).

10 Appointment of Chair

The Committee Officer asked those present to introduce themselves, including members of the Committee, officers and the applicant.

Councillor Ballard proposed and Councillor Belsey seconded that Councillor Butcher be appointed as Chair for the meeting.

11 Apologies for absence / declaration of substitute members

There were none.

12 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code Of Conduct

There were no declarations of interest.

13 Application for a Premises Licence Variation: The Glass House, Royal Parade, Eastbourne, BN22 7AQ.

The Chair of the Licensing Sub-Committee welcomed all parties to the hearing and detailed the procedure for the hearing.

The Specialist Advisor for Licensing, Dean Love, presented the report to the Sub-Committee and responded to questions.

The Applicant, Ms Simes, and her representative, Niall McCann, Solicitor, addressed the Sub-Committee and responded to questions. Ms O'Brien, and

Mr Deller-Merricks, addressed the Sub-Committee in support of the application.

A number of those who had made representations in objection of the application, namely Mr Murdoch, Ms Bamforth, Mr Kirby, Mr Holland and Mr Simpson, addressed the Sub-Committee and responded to questions.

The Agent provided closing remarks on behalf of the Applicant and Mr Murdoch provided closing remarks on behalf of those who were objecting.

Following all the evidence presented, the Sub-Committee retired to consider and determine the application. Michele Wilkinson, Housing and Regulatory Lawyer, was in attendance to assist with any legal queries. The Sub-Committee provided the following decision:

Resolved:

To grant the variation of the premises licence but with the removal of recorded music from the premises licence and the following:

All conditions of the current licence will remain the same, apart from the following conditions shall be removed:

- Alcohol shall only be sold for consumption off the premises in conjunction with the sale of food for takeaway.
- A minimum spend of £8 of food for takeaway must be made before alcohol can be purchased.
- No beer, lager or cider with an ABV of 6.5% or above, will be stocked, displayed or sold.

For the sake of complete clarity, in relation to off premises sales, the following condition will be retained:

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

In addition, the following conditions shall be added to the premises licence:

- If any person buying more than one alcoholic drink looks under 25 ID will be required for everyone for whom a drink is being purchased.
- Anyone attempting to purchase alcohol for a minor will be removed and barred from the premises.
- Staff will be trained on how to deal with anti-social behaviour by the DPS.
- Customers shall not be permitted to bring into or consume alcohol on the Premises which has been purchased elsewhere.

- The premises licence holder shall look to participate in the local Bar None Scheme when operating.
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
- No off sales shall be provided in glass containers at any time.
- Members of staff shall have first aid and safeguarding training.
- Notwithstanding the mandatory condition imposed by Section 20 of the Licensing Act 2003 the exhibition of films pursuant to this licence will be restricted to films that have been classified as Universal (U) or Parental Guidance (PG) by the film classification body designated under Section 4 of the Video Recordings Act 1984.
- Live music shall not be played outdoors more than 15 times per year.
- Noise from the outside speakers to be monitored during all hours of operation. The premises licence holder to seek the advice of an acoustic expert on the setting of noise levels in order to ensure limits that comply with legislation.
- The premises licence holder shall ensure that crowd control measures are in place and implemented to minimise noise impacts especially during outdoor events at the premises.
- The premises licence holder shall have a dispersal policy and a copy of the premises dispersal policy shall be made readily available at the premises for inspection by police officer and/or an authorised officer of Eastbourne Borough Council.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- A direct telephone number for the manager of the premises shall be publicly available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
- Before any regulated live music is permitted to be played, the Premises Licence Holder shall have a Noise Management Plan in place regulating how live music is played and the Noise Management Plan shall be made available upon request, to any Responsible Authority.

- Consumption of alcohol shall not be permitted outside after 23.00hrs save for on the patio area hatched green on the approved plans.
- Alcohol consumed on the patio area hatched green on the approved plans shall only be consumed by patrons seated at tables.
- Substantial food and non-intoxicating beverages, including drinking water, shall be available at the Premises.
- During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the gardens of the premises, and that this area shall be regularly swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

The opening hours for the premises shall be 07.00hrs – 00.00hrs Sunday to Thursday, and Friday/Saturday shall be 07.00hrs -01.00hrs.

The licensable hours are varied to:

For plays and films to be everyday indoors and outdoors between 10.00hrs - 23.00hrs.

For late night refreshment indoors and outdoors to be Sunday to Thursday 23.00hrs - 00.00hrs and Friday/Saturday 23.00hrs - 01.00hrs.

For live music to be 10.00hrs - 23.00hrs indoors and 10.00hrs - 22.00hrs outdoors, everyday.

For anything of a similar description to be everyday indoors and outdoors between 10.00hrs - 23.00hrs.

For sale by retail of alcohol on the premises to be Sunday to Thursday 07.00hrs- 23.30hrs and Friday/Saturday 07.00hrs – 00.30hrs.

For sale by retail of alcohol off the premises to be 07.00hrs -23.00hrs, every day.

Reasons for decision

The Licensing Sub Committee in making its decision on the application, by modifying the conditions and licensable hours, assessed the evidence of both the risks and benefits of the variations to the premises licence.

Careful consideration was given to all the representations made, both in support of and in objection to the application.

The Members understood that those objections related to the licensing objectives of the prevention of public nuisance and the prevention of crime and

disorder.

Whilst appreciating the concerns of the objectors, the Licensing Sub Committee took into account in making its decision the concessions made by the Applicant, both in the written submissions and during the course of the hearing, in offering to reduce the late-night times of the licensable activity and the additional offer of appropriate conditions.

The Licensing Sub Committee considered that the Applicant had shown a willingness to listen to the concerns of the objectors and the Members were content, on balance, that should any issues with, for example noise arise in future, she would be amenable to addressing those forthwith with the local residents and businesses.

It was noted that no Responsible Authority had made a representation.

The Licensing Act 2003 provides a right of appeal to the Magistrates' Court in respect of a variation application. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates' Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub Committee.

The decision shall be provided in writing to all parties within five working days of the hearing.

The variation of the premises licence will take effect from 18 August 2023.

The meeting ended at 8.35 pm

Councillor Daniel Butcher (Chair)