

# **Eastbourne Borough Council**

## **Decision Notice**

### **Licensing Act Sub-Committee held on Tuesday 17 December 2013**

Premises Licence Holder:	Active Children Ltd.
Premises:	Tennis in the Park.
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:	Applicant: Mr Francis Mackie (Designated Premises Supervisor) Mr Graham Dove (Licensing Agent)  Licensing Authority: Mr Jay Virgo (Senior Specialist Advisor)  Legal Advisor: Ms Victoria Simpson (Monitoring Officer/Lawyer to the Council)  Interested Parties: Dr Graham Bloor Ms Andrea Spiller
Decision made:	That the application be granted in parts on the following grounds:

#### **Supply of Alcohol (indoors only)**

Monday – Sunday                      12.00 hours – 20.00 hours

Subject to the following conditions:

- An extended time for sale of alcohol (indoors only) up to 22.30 hours (closing time of premises 23.00 hours) is permitted for a maximum of 10 ticket only events in any calendar year. The applicant is required to notify the Licensing Authority and the Responsible Authorities at least 48 hours in advance of such events.
- Alcohol sales are limited to the types of alcohol specified in the operating schedule which forms part of the application, namely wine, bottled beers, bottled cider and pimm's only.

- Notices are displayed inside the premises to advise customers that products purchased on the premises are not to be taken beyond the perimeter of the premises.

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

The conditions attached to the licence were considered necessary to ensure the promotion of the licensing objective relating to the prevention of public nuisance and in particular noise nuisance.

In reaching their decision, the Sub-Committee took into account all the representations that were made. Particular regard was given to representations from local residents about the likelihood of late night noise and disturbance given the proximity of residential properties to the premises. The Sub-Committee noted the relevant provisions of the Authority's Statement of Licensing Policy at paragraph 14 regarding the issue of the premises' proximity to residential premises.

The Sub Committee were mindful of the need to balance the concerns of local residents against the applicant's responsible attitude and the nature of their offer. By granting the application in parts subject to additional conditions which it deemed necessary to ensure the promotion of the licensing objective relating to public nuisance, the Sub-Committee felt that it had reached a compromise which balanced the needs of all parties.

Date of Decision: 17 December 2013

Date decision notice issued: 20 December 2013

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.