

# 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.