



## **Licensing Act Sub-Committee - Record of Hearing held on Tuesday 16 August 2005 at 10.30am**

**MEMBERS:** Councillor BELSEY (Chairman); Councillors MARSH and Miss WOODALL.

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### **1 Declarations of Interest.**

None were received.

### **2 Application for Conversion and Variation of a Premises Licence for The Tally Ho Public House, Old Town.**

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

The Licensing Manager outlined the report detailing the application from Punch Taverns Plc for the conversion and variation of a premises licence in respect of the above premises. It was reported that Environmental Health had withdrawn the representations submitted as the applicant had accepted a condition that the main and lobby doors should remain closed.

Written representations had been received from 3 local residents. Mr J Rann and Ms F Welch addressed the Sub-Committee regarding the on-going problem of noise nuisance associated with loud music from the function room and customers drinking outside the premises. The Sub-Committee also considered the letter of representation submitted from a resident not present at the hearing. Although the condition proposed to alleviate the noise nuisance was acknowledged, Mr Rann indicated that the noise from the function room was still audible when the doors were closed.

Mr Albon, Environmental Health addressed the Sub-Committee regarding the history of the premises regarding noise complaints and the measures available under the relevant legislation should noise nuisance occur in the future.

The applicant's representative Mr H Grant made representations in support of the application. With reference to the function room, an additional condition was offered by the applicant to double-glaze the front windows.

In response to concerns raised by the Sub-Committee, Mr Grant confirmed the withdrawal of that part of the application relating to opening for alcohol one hour before and one hour after televised sporting events on unspecified days.

The Sub-Committee then retired to consider and determine the application (as amended) having regard to the representations submitted, including those from the interested party not present at the meeting, the offered additional

condition, 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 variation application in respect of The Tally Ho Public House, Old Town, be granted as set out in the attached appendix.

The meeting closed at 12.07p.m.

**C Belsey  
Chairman**

# Eastbourne Borough Council

## Decision Notice

**Licensing Act Sub-Committee held on Tuesday 16 August 2005**

- Applicant: Punch Taverns Plc
- Premises: The Tally Ho  
Old Town  
Eastbourne  
BN21 1JB
- Reasons for Hearing: Relevant representations were received in connection with the licensing objectives concerning noise and disturbance from regulated entertainment inside the premises and noise from customers drinking outside the premises from:
- Interested parties – 3 local residents  
Responsible Authorities - Environmental Health  
(representations withdrawn subject to a condition).
- Parties in attendance: For the applicant – Mr H Grant  
Responsible Authorities (Environmental Health) – Mr A Albon  
Interested Parties - Mr J Rann and Ms F Welch
- Decision made: To grant the variation of the Premises Licence as follows:

### **(1) Standard hours:**

#### **Sale of Alcohol:**

Monday to Saturday 10.00 – 00.00  
Sunday 12.00 – 23.30

#### **Regulated Entertainment:**

Live music  
Monday to Saturday 10 00 – 00.00  
Sunday 12.00 – 23.30

Recorded music – finish time to match hours open to the public as below.

#### **Open to the Public:**

Monday to Saturday 10.00 – 00.30  
Sunday 12.00 – 00.00

### **(2) Non-standard hours:**

Finish time to be extended for opening hours, sale of alcohol and regulated entertainment as follows:

- An additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend; Christmas Eve and Boxing Day.
- 11.00 New Year's Eve to 23.00 New Year's Day (These being the permitted hours under the relevant Statutory Instrument).

Subject to the following conditions (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):

- i) That the main and lobby doors shall be kept shut during operating hours, save for access and egress.
- ii) A Security Industry Authority registered Door Supervisor shall be employed and on duty at the premises when private functions are held in the public bar. The Door Supervisor shall be responsible for ensuring that the doors remain closed at all times and opened only to allow the entry and exit of customers.
- iii) Secondary double-glazing shall be installed at the function room windows fronting Church Street, to be completed by 30 November 2005.
- iv) Customers shall be prevented from taking alcohol and other drinks from the premises in open containers onto the public highway.

Reasons for Decision: The Sub-Committee has granted the application and variation of a Premises Licence subject to the conditions and hours specified, having taken into account the evidence available, regulations and guidance under the Licensing Act 2003 and the licensing objectives.

In order to address the public nuisance concerns conditions are imposed to minimise disturbance to residents in the vicinity in relation to noise occurring from regulated entertainment inside the premises and from customers drinking on the public highway.

Date of Decision: 16 August 2005

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.