



## **Licensing Act Sub-Committee - Record of Hearing held on Tuesday 16 August 2005 at 6.00pm**

**MEMBERS:** Councillor STEVENS (Chairman); Councillors Mrs POOLEY and Mrs SIMS.

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

None were received.

### **2 Application for Conversion and Variation of a Premises Licence for The Drive Public House, 153 Victoria Drive.**

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.

Mr Albon, Environmental Health addressed the Sub-Committee regarding the history of the premises and advised that complaints had been received in respect of noise nuisance, which was witnessed by Environmental Health. A number of conditions were proposed to minimise the disturbance to residents.

Representations in support of the application were made by the applicant's representatives, Mr A Alesbury (Barrister) and Mr M Blackwood (Business Relationship Manager). Mr Alesbury confirmed acceptance of the conditions proposed by Environmental Health, with the exception of the proposed hours for use of the outside area, which would reduce the permitted hours under the current licence. Reference was made to the absence of any police objection in respect of the conversion of the premises licence.

The Principal Lawyer advised the Sub-Committee that it was not in power to alter those elements of the licence deemed to be carried over as "grandfather rights".

Written representations had been received from Mr and Mrs K Mitchelmore, who addressed the Sub-Committee against the application and referred to the on-going problem of noise nuisance associated with loud music from the premises, in particular the glass conservatory and that a noise limiter was not used. They indicated that a number of representations submitted had not been made available for consideration by the Sub-Committee.

The Licensing Manager reported that many of the points raised did not specifically relate to the premises and were not considered relevant and that no new representations were contained in the submissions.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted and further evidence presented at the meeting, 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 Drive Public House, 153 Victoria Drive, be granted as set out in the attached appendix.

The meeting closed at 7.48p.m.

**D G Stevens  
Chairman**

# Eastbourne Borough Council

## Decision Notice

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

- Applicant: Punch Taverns Plc
- Premises: The Drive  
153 Victoria Drive  
Eastbourne  
BN20 8NH
- Reasons for Hearing: Relevant representations were received in connection with the licensing objectives concerning noise and disturbance from regulated entertainment inside the premises and the use of the outside area and drunk and disorderly behaviour.
- Interested parties – 2 local residents  
Responsible Authorities - Environmental Health -  
(representations withdrawn subject to conditions).
- Parties in attendance: For the applicant – Mr A Alesbury (Barrister) and Mr M Blackwood (Business Relationship Manager).
- Responsible Authorities (Environmental Health) – Mr A Albon
- Interested Parties - Mr and Mrs K Mitchelmore
- Decision made: To grant the variation of the Premises Licence as follows:
- (1) Standard hours:**
- Sale of Alcohol:**
- |                      |               |
|----------------------|---------------|
| Monday to Wednesday  | 10.00 – 00.00 |
| Thursday to Saturday | 10.00 – 01.00 |
| Sunday               | 11.00 – 23.30 |
- Regulated Entertainment and Entertainment Facilities:**
- Indoor sporting events/live music/karaoke
- |                      |               |
|----------------------|---------------|
| Monday to Wednesday  | 10 00 – 00.00 |
| Thursday to Saturday | 10.00 – 01.00 |
| Sunday               | 11.00 – 23.30 |
- Recorded music – finish time to match hours open to the public as below.
- Open to the Public:**
- |                      |               |
|----------------------|---------------|
| Monday to Wednesday  | 09 00 – 00.30 |
| Thursday to Saturday | 09.00 – 01.30 |
| Sunday               | 09.00 – 00.00 |

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

Finish time to be extended for opening hours, sale of alcohol, regulated entertainment and entertainment facilities 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.
- 10:00 on New Year's Eve (31 December) through until 23:00 on New Year's Day (1 January)\*.

\*Continuous opening being permitted in any event between 23:00 on New Year's Eve and 11:00 on New Year's Day pursuant to the Regulatory Reform (Special Occasions Licensing) Order 2002.

- A further additional 45 minutes on either the morning following Fridays or Saturdays where the premises are hosting a pre-booked private function.

**(3)** Remove the condition obliging the sale of alcohol under Supper Hours certificate in the area defined on the certificate to be ancillary to substantial refreshment.

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

- i) That all windows and doors are kept shut, save for access and egress whenever live or recorded music is being played.
- ii) All forms of music played in the premises shall be played through a noise limiter device, set at a level agreed by the Licensee and the Head of Environmental Health, Eastbourne Borough Council.
- iii) No outside area at the premises shall be used by any person after 23.20 Mondays to Saturdays and 22.50 on Sundays, Christmas Day and Good Friday.

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 use of the outside area.

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.