



Licensing Act Sub-Committee - Record of Hearing held on Tuesday 30 August 2005 at 6.00pm

MEMBERS: Councillor Mrs MURRAY (Chairman); Councillors HERBERT and SLATER.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for The Star Inn, Star Road.

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 Karen Weobly and Dalbir Sandu for the conversion and variation of a premises licence in respect of the above premises.

Representations in support of the application were made by the applicants. The applicants wished to confirm that it was not the intention to be operational everyday until the time stated within the application, and the later hours would be to facilitate established customers for special occasions perhaps once a month, for which notices would be displayed. The applicants also retain the right to remain open and stated that they were applying for all eventualities, and were not intending on becoming a late night weekend premises

Written representations had been received from a number of local residents as detailed in the Licensing Manager's report.

Mrs Bowering addressed the Sub-Committee stating that there had been a misunderstanding following the mediation meeting regarding the closing times of the premises and Mrs Bowering was concerned that future landlords might not be as responsible as the current tenants. Mrs Bowering also addressed the Sub Committee on behalf of Mrs Taylor outlining her concerns.

Mr A Bowering and Mr J Edgerton addressed the Sub-Committee regarding the residential location of the premises and the number of public houses in the area, noise nuisance associated with customers leaving the premises, an increase in anti social behaviour and the effect of late night activity on residents living in the vicinity. Mr Edgerton also confirmed that following a mediation meeting between the applicants and local residents there had been some confusion regarding the noise limiter and proposed sale of

alcohol times and felt that the objectors who were unable to attend should be re-consulted. It was noted that this would not be possible due to the statutory timetable for determining the application.

The Sub-Committee also acknowledged and took into account those letters of representation submitted from interested parties not present at the hearing.

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 Star Inn, Star Road, be granted as set out in the attached appendix.

**Mrs A Murray
Chairman**

Eastbourne Borough Council Decision Notice

Licensing Act Sub-Committee held on Tuesday 30 August 2005

- Applicants: Mrs Karen Weobley and Mr Dalbir Sandu
- Premises: Star Inn
Star Road
Old Town
Eastbourne
- Reasons for Hearing: Relevant representations received from interested parties in connection with the licensing objectives as follows:
- Noise and disturbance from music inside the premises and from customers leaving the premises.
 - Anti Social behaviour
- Parties in attendance: Interested Parties – Mr J Edgerton and Mr and Mrs A Bowering.
- Decision made: To grant the variation of the Premises Licence as follows:
- (1) Standard hours:**
- Sale of Alcohol:**

Monday to Thursday	09.00 – 23.00
Friday to Saturday	09.00 – 00.00
Sunday	09.00 – 23.00

Regulated Entertainment:

Performance of plays/film exhibition for music videos and amusement machines/recorded music and anything of a similar description/provision of facilities for making music/provision of facilities for dancing and performances of dance:

Monday to Thursday	09.00 – 23.00
Friday to Saturday	09.00 – 00.00
Sunday	09.00 – 23.00

(Live music shall cease at 23.00)

(Recorded music to match the hours open to the public).

Late night refreshment:

From 23.00 until the latest hour permitted for the sale of alcohol.

Open to the Public:

Every day of the week from 09.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(2) Non-standard hours:

Finish time to be extended until 00.00 for sale of alcohol, late night refreshment and regulated entertainment on the following days:

On all Bank and Public Holidays, which do not precede a working day and on 12 occasions in a 12 month period.

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

- I. Live music shall only be permitted until 23.00 hours, save that on not more than 12 occasions in a 12 month period, including Bank Holidays, live music will be permitted until 00.00 hours.
- II. All forms of music shall be put through a noise limiter and set a level agreed with the Designated Premises Supervisor and the Environmental Health Manager.
- III. Notices will be prominently displayed at points of access and egress, asking patrons to leave the premises in a quiet, orderly fashion.
- IV. Windows and doors to be kept shut, save for access and egress, both when live music is being played and in any case after 23.00.

V. A residents meeting shall be held at the premises on the first Monday of every month.

Reasons for Decision: The Sub-Committee has granted the application and variation of a Premises Licence subject to the conditions and hours specified having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003 and the licensing objectives.

Having considered the evidence before it, the Sub-Committee was minded to impose conditions upon the applicant's request for extended opening hours, regulated entertainment and the sale of alcohol. The reason for this is that the Sub-Committee has weighed up the applicant's submissions alongside the representations made by those interested parties as persons living in the vicinity of the premises and the Sub-Committee considers conditions to be necessary in order to meet the objectives of preventing public nuisance.

Date of Decision: 30 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.