



Licensing Act Sub-Committee - Record of Hearing held on Monday 5 September 2005 at 10.30am

MEMBERS: Councillor BOWKER (Chairman); Councillors MARSH and STEVENS.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for The Crown, 22 Crown Street.

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.

Representations in support of the application were made by the applicant's representative, Mr M Blackwood (Business Relationship Manager). Reference was made to the fact that no representations had been received from Responsible Authorities and that the representations received from local residents were general in nature and could not be specifically related to the operation of the Crown. He advised that permissions attached to a Supper Hours certificate permitted an hour's extension of alcohol sales when ancillary to a table meal and that this was a "grandfather right".

Mr Blackwood confirmed the withdrawal of that part of the application relating to opening and serving alcohol for one hour before and one hour after certain televised sporting events. He confirmed that any conditions imposed on the licence would be vigorously monitored.

Written representations had been received from a number of local residents.

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, the potential for noise from use of the large garden area, an increase in anti social behaviour and the effect of late night activity on residents living in the vicinity. Mrs Bowering also made representations on behalf of Mrs M Taylor regarding incidents of vandalism and anti social behaviour in the locality and the potential for further noise nuisance if the extended hours were permitted. Mr Bowering and Mr Edgerton confirmed that noise from inside the premises could not be heard from their properties.

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 Crown, 22 Crown Street, be granted as set out in the attached appendix A.

3 Application for Conversion and Variation of a Premises Licence for The Lathom Hotel, 4-6 Howard Square.

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 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 applicant's representative Ms J Hector (Hart Reade Solicitors). It was stated that it was not the intention to open until 01.30 every day of the week but that the variation, if approved, would be exercised at the discretion of the applicant on specific days.

The applicant had offered a number of conditions as follows:

- Noise shall not be omitted from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
- All reasonable steps shall be taken to ensure those persons on or leaving the premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not cause annoyance to persons in the neighbourhood.
- The music played within the premises shall be inaudible within 1 metre of the premises.

Written representations had been received from a number of local residents living in the vicinity.

Mr Williams addressed the Sub-Committee regarding the residential location of the premises and the effect of late night activity on residents living in the vicinity. Although there was no current cause for complaint, the extension of the hours for alcohol and entertainment could lead to an increase in noise nuisance.

A number of interested parties had agreed to withdraw their representations subject to the conditions detailed above being attached to the licence.

The Sub-Committee 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 Lathom Hotel, 4-6 Howard Square, be granted as set out in the attached appendix B.

The meeting closed at 1.05p.m.

**P J Bowker
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 5 September 2005

- Applicant: Punch Taverns Plc
- Premises: The Crown
22 Crown Street
Eastbourne
BN21 1PB
- 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: For the applicant – Mr M Blackwood (Business Relationship Manager)
Interested Parties –Mr J Edgerton and Mr A Bowering.
- Decision made: To grant the variation of the Premises Licence as follows:
- (1) Standard hours:**
- Sale of Alcohol:**
- | | |
|--------------------|---------------|
| Monday to Thursday | 10.00 – 23.00 |
| Friday to Saturday | 10.00 – 00.00 |
| Sunday | 12.00 – 23.00 |
- Regulated Entertainment:**
Indoor sporting events and live music
- | | |
|--------------------|---------------|
| Monday to Thursday | 10.00 – 23.00 |
| Friday to Saturday | 10.00 – 00.00 |
| Sunday | 12.00 – 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 10.00 (12.00 on Sundays) to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(2) Non-standard hours:

(a) To retain the embedded restriction under the Supper Hours certificate in so far as it allows for an additional hours service of alcohol when it is ancillary to substantial refreshment on Mondays to Thursdays only.

Finish time to be extended for sale of alcohol, late night refreshment and regulated entertainment as follows:

(b) 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.

(c) An additional 30 minutes following every Friday and Saturday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend and for the Easter Bank Holiday weekend.

(d) An additional hour following every Sunday for the above Bank Holiday weekends.

(e) Christmas Eve – 10.00 – 00.00

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

- i) No outside area at the premises shall be used after 23.20.
- ii) The Designated Premises Supervisor or appropriately nominated individual must ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.

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: 5 September 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.

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 5 September 2005

- Applicant: Jose Raul Nunes Martins
- Premises: The Lathom Hotel
4-6 Howard Square
Eastbourne
BN21 4BG
- Reasons for Hearing: Relevant representations received from interested parties in connection with the licensing objectives concerning noise and disturbance.
- A number of interested parties agreed to withdraw their representations subject to a number of conditions being attached to the licence.
- Parties in attendance: For the applicant – Ms J Hector (Hart Reade Solicitors), Mr J Martins (applicant)
Interested Parties – Mr P Williams
- Decision made: To grant the variation of the Premises Licence as follows:
- (1)** To retain the embedded restriction facility to remain open and supply alcohol to residents and bona fide guests, 24 hours a day, 7 days a week.
- (2)** Standard Hours:
- Sale of Alcohol:**
Members of the public - Monday to Sunday 11.00 – 01.00
- Regulated Entertainment:**
Facilities for dancing/live and recorded music and anything of a similar description
- Monday to Sunday 11.00 – 01.00
- Open to the Public:**
Monday to Sunday 10.30 – 01.30
- Subject to the following conditions (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):

- (i) Noise shall not be emitted from the premises such as to

cause persons in the neighbourhood to be unreasonably disturbed.

- (ii) All reasonable steps shall be taken to ensure those persons on or leaving the premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not cause annoyance to persons in the neighbourhood.
- (iii) The music played within the premises shall be inaudible within 1 metre of the premises.

Reasons for Decision: The Sub-Committee has granted the application and variation of a Premises Licence 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 and the licensing objectives.

In order to meet the objectives of preventing public nuisance 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 leaving the premises.

Date of Decision: 5 September 2005

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

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