

Licensing Act Sub-Committee - Record of Hearing held on Tuesday 13 September 2005 at 10.30am

MEMBERS: Councillor MURRAY (Chairman); Councillors LACEY OBE and Mrs SIMS (as substitute for MARSH)

(An apology for absence was reported from Councillor Marsh)

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for The Bourne Inn, 80-82 Pevensey 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 The Chapman Group for the conversion and variation of a premises licence in respect of the above premises.

Representations in support of the application where made by the applicant's representative, Mr Pipe. Following a lengthy mediation meeting with interested parties the applicant had offered a number of conditions as follows:

- CCTV, monitors and appropriate recording equipment shall be installed, operated and maintained following consultation with Sussex Police to a standard specification.
- On the ground floor, all forms of live music shall cease at 23.00 hours.
- On the ground floor of the premises, there shall not be a designated dance floor
- Signage asking patrons to leave the premises quietly shall be prominently displayed at all points of access and egress.
- Windows and doors to the property shall be kept closed at all times, save for those relating to private living accommodation and when used as a point of access/egress or in the event of an emergency.
- Live entertainment on the ground floor of the premises shall be limited to a maximum of 2 occasions in any calendar month.
- Any amplification used on the premises shall be set at a level agreed with the applicant and the Director Of Environmental Health (or their delegated officer).
- On the morning of the first Monday of every month, for a period of 6 months after the second appointed day, a residents meeting will be held at the premises to discuss matters appertaining to the conduct of the premises.

Mr Pipe stated that no complaints in respect of noise from the premises had been referred to them.

The applicant was committed to meeting with residents on a regular basis and was seeking the later hours to provide greater freedom and flexibility. As the use of the first floor of the premises had been highlighted as a concern, the applicant indicated that he would be willing to applicable conditions being attached to this area of the premises. With reference to CCTV, it was confirmed that the installation would be done in consultation with Sussex Police and would be required to conform to the requirements of the Data Protection Act.

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

Councillor Mrs Healy addressed the Sub-Committee stating that this mainly residential area, which also had a number of guesthouses and hotels, already suffered from crime and anti social behaviour. Noise nuisance was generated from people making their way home along Pevensey Road from the Town Centre. She welcomed the introduction of CCTV cameras, but felt that an extension to the hours of the premises would exacerbate the problems of anti social behaviour and noise nuisance for local residents.

Mr Hone, who lived opposite the premises addressed the Sub-Committee and expressed concern that the variation of the licence would change the nature of the premises, which if granted would allow late opening, live music and dancing. This would lead to an increase in noise nuisance, both from the premises and when customers left in the early hours. A current noise nuisance was also created from customers drinking outside the pub. He opposed the opening hours of 7.00am, which was inappropriate owing to the close proximity of a school and nursery.

Mrs Marchant made representations as an owner of a guesthouse and raised concerns that music from the premises would disturb her mainly elderly guests. It was felt that the entertainment requested would change the premises from a family pub and attract a different kind of customer.

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 Bourne Inn, 80-82 Pevensey Road, be granted as set out in the attached appendix.

The meeting closed at 11.55a.m.

Mrs A Murray Chairman

Eastbourne Borough Council Decision Notice

Licensing Act Sub-Committee held on Tuesday 13 September 2005

Applicant: Chapman Group Ltd

Premises: The Bourne Inn

80-82 Pevensey Road

Eastbourne BN21 3HT

Reasons for Hearing:

Relevant representations received from interested parties and responsible authorities in connection with the licensing objectives concerning noise and disturbance and the prevention of crime and

disorder.

Parties in

For the applicant – Mr S Chapman and Mr Pipe

attendance:

Interested Parties – Councillor Mrs B Healy, Mr R Hone and Mrs

Marchant.

Decision made:

To grant the variation of the Premises Licence as follows:

(1) Standard hours:

Sale of Alcohol:

 $\begin{array}{lll} \mbox{Monday to Thursday} & 10.00 - 00.00 \\ \mbox{Friday to Saturday} & 10.00 - 01.00 \\ \mbox{Sunday} & 10.00 - 00.00 \end{array}$

Regulated Entertainment:

Indoor sporting events/film exhibition for music videos and amusement machines/performances of dance and anything of a similar description/provision of facilities for dancing and anything of a similar description:

Monday to Thursday 10.00 - 00.00Friday to Saturday 10.00 - 01.00Sunday 10.00 - 00.00

Recorded music to cease 23,30

Live music and the provision of facilities for making music shall cease at 23.00.

Late night refreshment:

From 23.00 - finish time to match hours open to the public.

Open to the Public:

Every day of the week from 07.00 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 for sale of alcohol and regulated entertainment for:

(a) An additional hour into the morning on the following days:

Burns Night – 25 January
Australia Day - 26 January
St David's Day – 1 March
St Patrick's Day – 17 March
St George's Day – 23 April
St Andrew's Day – 30 November
The Thursday preceding Easter
Sundays preceding a Bank Holiday

- (b) An additional hour into the morning on 12 event days of which the Police have had at least 7 days written notice and over which they have an absolute veto.
- (c) Until 01.00 the following morning on Christmas Eve and Boxing Day.

(The provision of late night refreshment to match hours open to the public for non-standards hours (ie an additional thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time).

(d) 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.

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

- i) CCTV, monitors and appropriate recording equipment shall be installed, operated and maintained following consultation with Sussex Police to a standard specification.
- ii) All forms of live music shall cease at 23.00 hours.
- iii) Recorded music shall cease at 23.30.
- iv) On the ground floor of the premises, there shall not be a designated dance floor.
- v) Signage asking patrons to leave the premises quietly shall be prominently displayed at all points of access and egress.
- vi) Windows and doors to the property shall be kept closed at all times, save for those relating to private living accommodation and when used as a point of access/egress or in the event of an emergency.
- vii) Live entertainment on the ground floor of the premises shall be limited to a maximum of 2 occasions in any calendar

month.

- viii) Any amplification used on the premises shall be set at a level agreed with the applicant and the Environmental Health Manager (or their delegated officer).
- ix) On the morning of the first Monday of every month, for a period of 6 months after the second appointed day (ie 24 November 2005), a residents meeting will be held at the premises to discuss matters appertaining to the conduct of the premises.
- x) The outside area of the premises shall not be used after 23.30.

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.

The Sub-Committee acknowledged the efforts made by the applicant to accommodate the concerns of local residents in respect of mediation and the conditions offered.

Conditions are considered necessary to meet the objectives of preventing public nuisance, in particular noise and to prevent crime and disorder.

Date of Decision: 13 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.