



Licensing Act Sub-Committee - Record of Hearing held on Monday 19 September 2005 at 10.30am

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

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for Flamenco Tapas Bar, 8 Cornfield Terrace.

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 Mr M Prysor-Jones for the conversion and variation of a premises licence in respect of the above premises.

Mr Prysor-Jones addressed the Sub-Committee in support of the application, which sought only a slight extension of the current hours to provide greater flexibility for customers, particularly for those attending the theatre and who wished to eat later. With reference to the music and dancing proposed, it was confirmed that one Flamenco dancer would perform during the evening with one or two guitarists, and that there would be no amplified music. Recorded music would be played as background only at a low level. The restaurant was air-conditioned and the windows remained closed on all but the warmest evenings. Mr Prysor-Jones confirmed that as no other entertainment services were proposed, section N of the application relating to the provision of amusement with prizes machines was withdrawn.

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

Mrs Skardhamar addressed the Sub-Committee on behalf of a number of residents who had made written representations. It was acknowledged that no nuisance was caused by the current use of the premises, but that owing to the long history of noise nuisance associated with its previous operations, any changes of licensee in the future could lead to similar problems. Any extension to the hours of operation would lead to an increase in noise nuisance generated from people making their way home.

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 Flamenco Tapas Bar, 8 Cornfield Terrace be granted as set out in the attached appendix A.

3 Application for Conversion and Variation of a Premises Licence for Hadleigh Hotel, 14-22 Bulington Place.

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 solicitor, Mr J Porter. He detailed the measures that the applicant had made to address the noise nuisance concerns raised namely:

- Air conditioning in the lounge area and the windows to remain closed while music is played.
- Installation of a double insulated floating wall in the lounge on the party wall to eliminate noise transference to neighbouring properties.
- Installation of sealed unit double-glazing above the main doors to reduce noise.
- Location of speakers in an area agreed with Environmental Health so as to reduce noise transference to neighbouring property.

Representations made by Environmental Health had been withdrawn subject to the measures detailed by the applicant.

Written representations had been received from a local resident living in the vicinity. Mr Williams was not present at the hearing and the Sub-Committee took into account the representations submitted in writing.

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 Hadleigh Hotel, 14-22 Burlington Place, be granted as set out in the attached appendix B.

The meeting closed at 12.20p.m.

**P J Bowker
Chairman**

Appendix A

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 19 September 2005

- Applicant: Mark Prysor-Jones
- Premises: Flamenco Tapas Bar
8 Cornfield Terrance
Eastbourne
BN21 4NN
- Reasons for Hearing: Relevant representations received from interested parties in connection with the licensing objectives concerning noise and disturbance.
- Parties in attendance: For the applicant – Mr M Prysor Jones and Mr K Jones
Interested Parties – Mrs E Skardhamar
- Decision made: To grant the variation of the Premises Licence as follows:
- (1)** Remove all embedded restrictions contained within the Licensing act 1964 relating to Permitted Hours (save for the Permitted Hours on New Year's Eve), Credit Sales and Children in Bars.
- (2)** Standard hours:
- Sale of Alcohol:**
- | | |
|--------------------|---------------|
| Monday to Thursday | 10.00 – 23.30 |
| Friday to Saturday | 10.00 – 00.00 |
| Sunday | 10.00 – 23.00 |
- Regulated Entertainment:**
Non- amplified live music/performances of dance (at the management's discretion without 14 days notice to the Police).
- | | |
|------------------|---------------|
| Monday to Sunday | 20.00 – 22.30 |
|------------------|---------------|
- 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 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(3) Non-standard hours:

Finish time to be extended for sale of alcohol, late night refreshment and regulated entertainment on all Bank Holidays (except Christmas) to include the preceding day, (at Easter to also include the preceding Thursday); for Christmas (to include Christmas Eve); up to the terminal hour set for the sale of alcohol on Saturdays at the latest.

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

- i) That all windows shall be closed by 22.30 hours.
- ii) Only non-amplified music shall be permitted.

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.

In order to meet the objective of preventing public nuisance conditions are imposed to minimise disturbance to residents in the vicinity in relation to noise.

Date of Decision: 19 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.

APPENDIX B

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 19 September 2005

Applicant: Laughton Hotels Ltd

Premises: The Hadleigh Hotel
14-22 Burlington Place
Eastbourne
BN21 4AR

Reasons for Hearing: Relevant representations received from an interested party in connection with the licensing objectives concerning noise and disturbance.

Parties in attendance: For the applicant – Mr J Porter (Solicitor) and Mr P Laughton

Decision made: To grant the variation of the Premises Licence as follows:

Sale of Alcohol:

Members of the public:

Monday to Sunday 11.00 – 23.00

Supply alcohol to residents and bona fide guests, 24 hours a day, 7 days a week, including between 02.00 and 11.00 by way of room service to residents and guests.

Regulated Entertainment:

Plays/films/indoor sporting events/boxing or wrestling/live and recorded music, performance of dance and anything of a similar description/provision of facilities for making music and dancing and anything of a similar description:

Monday to Sunday 09.00 – 02.00

Late night refreshment:

Monday to Sunday 23.00 to 05.00

(Room service to bona fide hotel residents and guests)

Open to the Public:

Monday to Sunday 07.00 – 23.00

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

- i) Windows shall remain closed when music is being played and in any case after 22.30.
- ii) Adequate sound proofing above the main doors shall be

- maintained to the satisfaction of the Licensing Authority.
- iii) The speakers shall remain in the position agreed by Environmental Health so as to reduce noise transference to neighbouring properties.

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 objective 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.

Date of Decision: 19 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.