



Licensing Act Sub-Committee - Record of Hearing held on Monday 26 September 2005 at 10.30am

MEMBERS: Councillor TAYLOR (Chairman); Councillors Mrs MURRAY (as substitute for Lacey) and Mrs POOLEY.

(An apology for absence was reported from Councillor Lacey OBE).

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for Bacchus Store, 53 Seaside 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 Ahmet Parlakyildiz for the conversion and variation of a premises licence in respect of Bacchus which operated as a convenience store with an off licence facility.

Mr Whitehead, Licensing Officer, Sussex Police had made written representations as a responsible authority under the prevention of crime and disorder and public nuisance objectives. He opposed the application to sell alcohol for 24-hours and recommended that the present terminal time of 23.00 hours should remain. Police strategies to reduce alcohol related anti-social behaviour and Public Place Violent Crime had defined the location as a "Hotspot" area. Problems were associated with under 18's congregating in the Seaside Road area after leaving clubs and from heavy drinkers purchasing alcohol and moving to the seafront. The dispersal of people from the Town Centre after leaving late night venues was a police priority, which could be affected by a 24-hour sales facility. Concerns were also raised regarding the purchase of alcohol by under 18's and of the applicant's ability to control and supervise customers. Targeted activity with trading standards had identified that the premises had sold alcohol to under 18's and intoxicated individuals. Although no formal action had been taken the Police had provided advice to the applicant. Concerns were also raised regarding the purchase of alcohol in glass bottles and the potential consequences in relation to Public Place Violent Crime.

Representations in support of the application were made by the applicant, Ahmet Parlakyildiz. He advised the Sub-Committee that customers would be served through a hatch after 23.00 and that no problems had been experienced when this system had been previously used. He provided a community service in the town centre and served goods other than alcohol

during later opening hours. Two staff were present at all times during opening hours and customers waiting to be served would be queuing on part of his premises. Eight CCTV cameras were installed and he was prepared to employ a door supervisor to control and supervise customers from 22.00 until the early hours of the morning. Customers would not be served if they appeared intoxicated and a strict ID policy was in place if customers were considered to be under 21. He stated that no representations had been received from local residents.

After asking questions 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 Bacchus, 53 Seaside Road, be granted as set out in the attached appendix A.

3 Application for Conversion and Variation of a Premises Licence for Eastbourne Saffrons Sport Club.

The Licensing Manager advised the Sub-Committee that consideration of the above application was adjourned and would be heard at a hearing to be held at 10.30am on Monday 3 October 2005. The notice of hearing had been given in accordance with the regulations but had not been received by the applicant within the required timescale of ten working days.

NOTED.

4 Application for Conversion and Variation of a Premises Licence for Chambers, 14 Grove 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 Bohemian Inns Limited for the conversion and variation of a premises licence in respect of Chambers Public House.

In response to concerns from Environmental Health the applicant had agreed to amend the application to reduce the hours sought for the provision of live music to 23.00.

The applicants' representative and Licensee, Mrs Lowe made representations in support of the application. She advised that it was unlikely that the premises would be used up to 01.00 but if approved, it would be exercised on occasions at her discretion. Live music was proposed on 12 occasions per year and that normally during opening hours, low-level background music would be played. The rear garden furniture was removed at 22.00 and the conservatory was double-glazed and the windows and the back door, which was soundproofed from the outside, would remain closed. She was willing to meet and discuss any issues of concern with local residents.

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

Ms M Woodhouse (Solicitor) addressed the Sub-Committee on behalf of residents of Ivy Court and West Terrace. She identified the problems currently experienced by local residents from the noise and disturbance from open windows and doors to the conservatory, from customers using the garden and leaving via the rear door in the evening. An extension of hours, with the addition of live music would exacerbate the existing problems. Public nuisance had increased since the pub had opened and residents opposed any extension to the current permitted hours. It was requested that customers leaving the premises should use the front door to Grove Road and that windows and doors should be closed after 20.00.

Mrs Tarling stated that the soundproofed rear doors had been removed and replaced by a conservatory, with double-glazed doors. This provided an inadequate sound barrier for the properties in West Terrace, which were in close proximity to the rear of the premises, particularly as the windows were left open.

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 Chambers, 14 Grove Road, be granted as set out in the attached appendix B.

The meeting closed at 1.48p.m.

B E Taylor
Chairman

APPENDIX A

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 26 September 2005

- Applicant: Ahmet Parlakyildiz
- Premises: Bacchus
53 Seaside Road
Eastbourne
BN21 3PL
- Reasons for Hearing: Relevant representations received from Sussex Police in connection with the licensing objectives concerning the prevention of crime and disorder and public nuisance.
- Parties in attendance: For the applicant – Ahmet Parlakyildiz
Responsible Authorities – Mr A Whitehead, Licensing Officer, Sussex Police
- Decision made: To grant the variation of the Premises Licence as follows:
- Sale of Alcohol:**
- Monday to Sunday 08.00 – 23.00
- Subject to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003.
- 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 only the evidence that is relevant, 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 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 the responsible authorities (Sussex Police) and the Sub-Committee considers conditions to be necessary in order to meet the objectives of preventing of crime and disorder and public nuisance.
- Date of Decision: 26 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 26 September 2005

- Applicant: Bohemian Inns Limited
- Premises: Chambers Bar
14 Grove Road
Eastbourne
BN21 4TR
- 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 – Mrs S Lowe
Interested Parties – Mrs M Tarling and Ms M Woodhouse (Solicitor)
- 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 | 10.00 – 23.00 |
- Regulated Entertainment:**
Live music/provision of facilities for making music and dancing (on 12 occasions per year).
- | | |
|--------------------|---------------|
| Monday to Saturday | 19.00 – 23.00 |
| Sunday | 19.00 – 22.30 |
- Recorded music to match hours open to the public.
- 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.
- (2) Non-standard hours:**
- Finish time to be extended on all Bank Holiday Sundays as follows.

Sale of alcohol – 10.00 – 00.00
 Regulated entertainment – 19.00 – 23.00

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

- i) The outside area shall not be used after 23.20.
- ii) Access and egress from the premises to be from the front door only except in the event of an emergency.
- iii) The windows of the conservatory and all the external doors shall be closed by 22.00 except for access and egress.
- iv) All forms of music played in the premises shall be put through a noise limiter device, set a level agreed with the Licensee and the Environmental Health Manager, Eastbourne Borough Council.
- v) The condition that substantial food and non intoxicating beverages shall be available in all parts of the premises where liquor is sold during permitted hours for a minimum period of 5 hours to be retained.

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: 26 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.