



Licensing Act Sub-Committee - Record of Hearing held on Tuesday 27 September 2005 at 10.30am

MEMBERS: Councillor BOWKER (Chairman); Councillors BELSEY and SKILTON.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for Slaters Bar, 8 Bolton 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 Peterlee Leisure Limited for the conversion and variation of a premises licence in respect of Slaters Bar.

The applicant's representatives, Mr P Graham and Mr May made representations in support of the application. Two door supervisors were currently employed on Fridays and Saturdays who would prevent customers taking unsealed containers onto the street at the front of the premises. Noise limiters were in place and had been set at a level agreed by Environmental Health.

Written representations had been received from one local resident as detailed in the Licensing Manager's report.

Mrs D Mathews addressed the Sub-Committee regarding her main concern of noise nuisance from the use of the side garden area and the noise which emanated from the open side door of the premises.

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 Slaters Bar, 8 Bolton Road, be granted as set out in the attached appendix A.

3 Application for New Premises Licence for The Nuthouse, 96 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 Mr C Roll and Mr J Roll for the conversion and variation of a premises licence in respect of the Nuthouse. It was reported that Martin & Co property managing agents had withdrawn the comments made in a letter of 9 September 2005 concerning Mr Jaffar, who had made representations in respect of the application.

The applicants had agreed to amend the application in respect of opening hours sought for use of the garden and to restrict the hours to those permitted under the "grandfather rights".

The applicants made representations in support of the application. It was confirmed that live music, discos and karaoke would only take place on Fridays and Saturdays and that the doors would remain closed from 21.00. Some residents of the Colonnades were in support of the application and reference was made to the disturbance caused by people leaving other premises in the area. The problem elements associated with the premises when it was the Devonshire had been rectified and it was now a family run business.

Written representations had been received from local residents and Hurst Spring Holdings on behalf of a proportion of the residents of the Colonnades as detailed in the Licensing Manager's report.

Mr and Mrs Webb who resided in a flat adjacent to the premises addressed the Sub-Committee regarding the problem of noise, which permeated into their bedroom through a roofed storage area. They were concerned that if the extended hours were approved they would be disturbed by music until 01.00.

Mr Hayden addressed the Sub-Committee on behalf of Hurst Spring Holdings Ltd and a number of residents of the Colonnades who had expressed concerns regarding the noise and disturbance from customers leaving and noise inside the premises. The problems would be exacerbated should the premises be permitted to remain open until 01.30. Mr Jaffar referred to the representations detailed in his letter and indicated that he had no further comments to make.

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 Nuthouse, 96 Seaside Road, be granted as set out in the attached appendix B.

The meeting closed at 1.00p.m.

**P J Bowker
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Tuesday 27 September 2005

Applicant: Peterlee Leisure Limited

Premises: Slaters Wine Bar
8 Bolton Road
Eastbourne
BN21 3JX

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 P Graham and Mr May
Interested Parties – Mrs D Mathews

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

(1) Remove the condition that the sale of alcohol is ancillary to the provision of substantial refreshment after 23.00.

(2) Standard hours:

Sale of Alcohol:

Monday to Sunday 11.00 – 01.30

Regulated Entertainment:

Live music, provision of facilities for making music and dancing.

Sunday 19.00 – 23.00

Recorded music

Monday to Saturday 11.00 – 00.30

Sunday 11.00 – 00.00

Open to the Public:

Every day of the week from 11.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

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

i) A Security Industry Authority registered Door Supervisor

shall be employed and on duty at the premises from 20.00 until closing time on Fridays and Saturdays and at special events.

- ii) The garden areas at the front and side of the premises shall not be used after 00.00.
- iii) No music shall be played in the outside areas of the premises.
- iv) The side door of the premises shall remain closed after 00.00 except in the event of an emergency.
- v) Customers shall be prevented from taking alcohol and other drinks from the premises in open containers.
- vi) The noise limiters at the premises shall be used and maintained to the satisfaction of the Licensing Authority.

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: 27 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 Tuesday 27 September 2005

Applicant: Colin Roll and Jeffrey Roll

Premises: The Nuthouse
96 Seaside
Eastbourne
BN21 3PF

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

Parties in attendance: Applicants – Mr C Roll and Mr J Roll
Interested Parties – Mr J Jaffar, Mr and Mrs G Webb and Mr Hayden.

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

Standard hours:

Sale of Alcohol:

Monday to Thursday	11.00 – 01.00
Friday to Saturday	11.00 – 01.30
Sunday	11.00 – 00.00

Regulated Entertainment:

Live music and provision of facilities for dancing:

Friday and Saturday - 20.00 – 00.00

Provision of facilities for entertainment of a similar description (discos/karaoke):

Friday and Saturday 11.00 – 00.00

Recorded music to match hours for sale of alcohol.

Open to the Public:

Every day of the week from 11.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

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

- i) All forms of music played in the premises shall be played through a noise limiter device, set at a level agreed by

the Licensee and the Environmental Health Manager, Eastbourne Borough Council.

- ii) That doors at the premises shall be kept shut after 21.00 save for access and egress.
- iii) No outside area at the premises shall be used after 23.20.

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 from regulated entertainment inside the premises.

Date of Decision: 27 September 2005

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