



## **Licensing Act Sub-Committee - Record of Hearing held on Tuesday 27 September 2005 at 6.00pm**

**MEMBERS:** Councillor Mrs MURRAY (Chairman); Councillors SLATER and WARNER.

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### **1 Declarations of Interest.**

None were received.

### **2 Application for Conversion and Variation of a Premises Licence for Namaskar Rooms, 56A 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 Alison Allart for the conversion and variation of a premises licence in respect of the Namaskar Rooms. It was reported that the premises did not hold a Public Entertainment Licence, as it had not been issued by Environmental Health.

Mrs J Hickling, Environmental Health had made written representations as a responsible authority under the prevention of public nuisance objective. A noise abatement notice was served in 2004 because of the continuing noise nuisance being caused to neighbouring properties. The notice was still in force and the applicant could be prosecuted if a breach occurred. Sound insulation works were required, primarily to the basement area and she recommended the commissioning of a full acoustic report.

Representations in support of the application were made by Mr N Allart. He advised the Sub-Committee that no further complaints had been received since the notice was served and that live music had ceased in the basement. An appropriate level of soundproofing was being investigated and a sound consultant would be employed to carry out the required testing. Some works had already been carried out to the premises to reduce noise transfer and mediation meetings had taken place with local residents and North British Housing. The current lease of the premises precluded opening after 00.00 and the extended hours, if granted, would not be operated until the landlord was satisfied that the necessary steps had been taken to alleviate noise nuisance.

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 Namaskar, 56A Seaside Road, be granted as set out in the attached appendix A.

### **3 Application for a New Premises Licence for Hotel Cuba, 1 Compton 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 Mr J L Hayler for a premises licence in respect of Hotel Cuba. An amended report was circulated to the Sub-Committee to reflect that a new premises licence was sought. The Justices On Licence under which the premises were trading was not in existence prior to the First Appointed Day of the 7<sup>th</sup> February 2005 and therefore no application could be made to convert the licence under the "grandfather rights" system.

The applicant's representative, Mr B Hall made representations in support of the application. Nearly 100 local residents had attended an open day to explain the proposals for the hotel and no complaints had been received since the bar had opened on 15 August 2005. The intention was for the hotel to serve alcohol to residents and bona fide guests, 24 hours a day, 7 days a week, but a moderate extension was requested for the sale of alcohol to the public. There had been misunderstanding regarding the nature of the business proposed and it was not the intention for Bar Cuba to become any form of nightclub. The use of a sound limiter had been agreed by the applicant. With regard to the request for dancing outdoors, this was proposed in the enclosed garden at the side of the hotel.

Written representations had been received from a number of local residents as detailed in the Licensing Manager's report. One resident had withdrawn representations after speaking with the applicant and had made written representations in support of the application.

Mrs J Haddow addressed the Sub-Committee regarding the problems of noise nuisance experienced by residents living opposite the premises from customers leaving the premises and congregating on the steps outside. Miss G Simmonds supported the concerns raised and indicated that the layout of the buildings in this mainly residential area caused noise to travel and create an unacceptable disturbance level.

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 Hotel Cuba, 1 Compton Street, be granted as set out in the attached appendix B.

The meeting closed at 8.20p.m.

**Mrs A Murray  
Chairman**

# Eastbourne Borough Council

## Decision Notice

**Licensing Act Sub-Committee held on Tuesday 27 September 2005**

- Applicant: Alison Allart and Neil Allart
- Premises: Namaskar Rooms  
56A Seaside  
Eastbourne  
BN21 3PB
- Reasons for Hearing: Relevant representations received from responsible authorities in connection with the licensing objectives concerning noise and disturbance.
- Parties in attendance: For the applicant – A Allart and N Allart  
Responsible Authorities – Mrs J Hickling, Environmental Health
- Decision made: To grant the variation of the Premises Licence as follows:
- (1) Standard hours:**
- Sale of Alcohol:**  
Monday to Sunday 11.00 – 00.30
- Regulated Entertainment:**  
Plays/films/live music/provision of facilities for entertainment of a similar description (making music and dancing):
- Monday to Sunday 11.00 – 16.00  
19.00 – 00.00
- Recorded music and provision of facilities for dancing:
- Monday to Sunday 11.00 – 00.30
- Performances of dance and anything of a similar description:
- Monday to Sunday 11.00 – 00.00
- Late night refreshment:**  
From 23.00 until the latest hour permitted for the sale of alcohol.
- Open to the Public:**  
Monday to Sunday – 11.00 to 00.30
- (2) Non-standard hours:**  
That part of the application relating to an additional hour on Bank Holidays was refused.

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

- i) The outside area of the premises shall not be used after 23.20.
- ii) The doors shall be shut after 20.00 except for access and egress.
- iii) 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.
- iv) An acoustic report shall be commissioned from a professionally accredited consultant and its recommendations acted upon to the satisfaction of the Environmental Health Manager and the landlord of the premises prior to the second appointed day (ie 24 November 2005).

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 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.

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: Jose Luis Hayler
- Premises: Hotel Cuba  
1 Compton Street  
Eastbourne  
BN21 3PB
- 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 J L Hayler and Mr B Hall  
Interested Parties – Mr and Mrs J Haddow and Miss G Simmonds
- 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:**  
Live and recorded music/performances of dance (indoor only):  
Monday to Sunday 12.00 – 23.00
- Anything of similar description (background music):  
Monday to Sunday 10.00 – 23.00  
Provision of facilities for making music and dancing (indoor only):  
Monday to Sunday 14.00 – 23.00
- Late night refreshment:**  
Monday to Sunday 23.00 to 05.00  
(Room service to bona fide hotel residents and guests)
- Open to the Public:**  
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.

Open to residents and bona fide guests, 24 hours a day, 7 days a week.

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

- i) All windows and doors are kept shut, save for access and egress whenever live or recorded music is being played.
- ii) All amplified 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.
- iii) Customers shall be prevented from taking alcohol and other drinks from the premises in open containers.

Reasons for Decision: The Sub-Committee has granted the application for 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.

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 to the public. 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: 27 September 2005

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