



Licensing Act Sub-Committee - Record of Hearing held on Monday 26 November 2007 at 6.00pm

MEMBERS: Councillor THOMPSON (Chairman); Councillors ELKIN and Miss WOODALL.

1 Declarations of Interest.

None were received.

2 Application for Variation of Premises Licence for Minnesota Jax, 121-123 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 Darren Bush for a variation of a premises licence in respect of Minnesota Jax, 121-123 Seaside Road. The application had been previously adjourned.

The Sub-Committee was advised that the premises were located within the area identified as being subject to the Cumulative Impact Policy which was adopted by the Council on 25 July 2007.

The Sub-Committee was advised that the concerns of Environmental Health had been resolved subject to a number of conditions being attached to the licence.

Representations in support of the application were made by the applicant, Mr D Bush. Mr Bush wished to table additional information to support his application. The Chairman sought consent to the documents being admitted and all parties were in agreement.

Mr Bush outlined the variation application which sought to extend the hours for all licensable activities to include live music and allow full nudity in respect of the pole/lap dancing activities. The application also sought to remove or vary a number of conditions currently attached to the licence. He stated that the variations were required to enable the club to compete with similar establishments in Hastings and Brighton. The live music proposed was to enable local bands to play, mainly on Saturdays. An extension of the hours was sought to provide greater flexibility for customers playing poker in the basement area.

Inspector N Porter, Sussex Police had made written representations as a responsible authority under the prevention of crime and disorder licensing objective. Inspector Porter advised the Sub-Committee that objections were raised on the grounds that the variation would substantially alter the operation of the Club and increase the number of customers. He stated that the application would add to the current cumulative impact being experienced in the town centre and that the applicant had not proposed sufficient steps to reassure the police that methods would be put in place to account for any predicted increases in crime and disorder.

He advised the Sub-Committee that in general terms the police did not have any operational concerns with the conduct or management of the premises.

Inspector Porter indicated that discussions had been held with Mr Bush to try and negotiate amendments to the application which could result in the representations being withdrawn.

Although a number of points had been drafted there was no written agreement indicating that all parties accepted the proposed amendments to the application.

The Chairman indicated that as the proposed amendments had not been tabled, or agreed by both parties, the Sub-Committee was not in a position to make a determination in respect of an amended application unless it was made clear what negotiated changes were proposed within the operating schedule. Although the Sub-Committee could proceed and determine the application as submitted, the Sub-Committee had an option to adjourn the proceedings to enable further negotiations to take place.

The Sub-Committee withdrew with the legal advisor and the Licensing Manager to consider the issues further.

When the Sub-Committee reconvened Chairman advised that the Sub-Committee was minded to adjourn the hearing to a future date.

The applicant, Mr Bush indicated that he wished to withdraw the application.

RESOLVED: That the decision of the applicant to withdraw the variation application be noted.

3 Application for New Premises Licence for Sovereign Centre, Royal Parade.

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 a new premises licence in respect of the Sovereign Centre, Royal Parade.

Representations in support of the application were made by the applicant, Mr C Hurst. He stated that the application sought to regulate the Sovereign Centre's normal activities such as swimming galas, rollerblading and pool parties and that no significant changes to the programme of activities were planned.

The Sub-Committee noted that following consultation with the fire Authority, the showing of films had been withdrawn from the application.

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

Mrs R Kiley addressed the Sub-Committee and raised concerns regarding the hours and activities sought and that the licence would enable the facility to cater for all different types of social function. This was a concern for residents of Monarch House who already suffered some noise nuisance from people leaving the premises. She referred to a previous occasion when the police had been called to deal with anti-social behaviour outside the premises

She also referred to the current state of the outside area which was a safety hazard.

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 the 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 application for a new premises licence in respect of the Sovereign Centre be granted as set out in the attached appendix A.

The meeting closed at 8.04 p.m.

**M Thompson
Chairman**

Appendix A

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 26 November 2007

- Applicant: Eastbourne Leisure Trust
- Premises: Sovereign Centre
Royal Parade
Eastbourne
BN22 7LQ
- Reasons for Hearing: Relevant representations received from interested parties under the public nuisance, prevention of crime and disorder, public safety and protection of children from harm objectives.
- Parties in attendance: Applicant – Mr C Hurst and Mrs C Haynes
Interested Parties – Mrs R Kiley
- Decision made: To grant the new Premises Licence as follows:
- Standard hours:**
- Regulated Entertainment:**
- Plays/indoor sporting events/boxing or wrestling/live and recorded music, performances of dance and anything of a similar description/provision of facilities for making music and dancing and for entertainment of a similar description:
- Monday – Sunday 06.30 – 23.00 hours
- Open to the Public:**
- Monday - Sunday 06.30 – 23.00 hours
- Subject to the mandatory conditions prescribed by section 19 of the Licensing Act 2003.
- Reasons for Decision: The Sub-Committee has granted the application for a new 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 concerns of local residents but were satisfied with the submissions made in support of the application that the measures in place at the premises would meet the licensing objectives.
- Date of Decision: 26 November 2007

Date decision notice issued: 10 December 2007

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.