



Licensing Act Sub-Committee - Record of Hearing held on Wednesday 6 February 2008 at 10.30am

MEMBERS: Councillor PURCHESE (Chairman); Councillors Mrs GOODALL and GOODWIN.

1 Declarations of Interest.

None were received.

2 Review of Premises Licence – Roselands Men’s Club, 359 Seaside.

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

The Licensing Officer outlined the report detailing the application for a review of a premises licence for Roselands Men’s Club.

Mrs J Blaber had made an application for a review of the premises licence as an interested party under the public nuisance and public safety licensing objectives. The Pollution Services Team, Environmental Health had also made representations as a responsible authority under the public nuisance licensing objective.

Mr R Fenton, Environmental Health reported on the on-going contact with the designated premises licence holders at the premises following the complaints received by Mrs Blaber. The Club had been advised regarding noise control and that while the licence permitted certain types of regulated entertainment, this would only be allowed if it did not cause a disturbance to local residents. Complaints regarding noise had continued and a Noise Abatement Notice was served on 21 February 2007, following the witnessing of a Statutory Noise Nuisance. The Notice, which was still in force had been breached on 27 February 2007. At this time the club was operating illegally as no noise limiter had been installed, as required by condition attached to the current licence.

Although a noise limiter was now installed, live music continued to cause a problem as live bands tended to generate a high volume of noise which is difficult to control. Mrs Blaber, whose property adjoined the club, had reported noise disturbance in her property even with the limiter in place.

Mr Fenton advised the Sub-Committee of the Council’s formal guidance on noise control which stipulates that amplified music or other entertainment noise from within the premises should be inaudible within any residential premises at any time. To protect against further noise disturbance to Mrs Blaber and neighbouring properties, a condition was requested requiring the premises to be adequately soundproofed.

Mrs J Blaber addressed the Sub-Committee and referred to the on-going problem of live and disco music being played excessively loud. It was clearly audible in her property and had continued to cause stress and anxiety and prevented her from sleeping on her return from work. She had not been consulted regarding changes to the club's licence, which she believed had occurred in August 2005. The management of the club had made no attempt to consult her regarding their proposed activities or consider the disturbance caused as a result of the introduction of live music. She had maintained a diary of incidents using sound monitoring equipment and had reported the incidents to Environmental Health and the Police.

Mrs K Newell addressed the Sub-Committee in support of Mrs Blaber and advised that live music had been played at the premises since the stated ban had been in place. Mrs Blaber also suffered from noise and disturbance from customers leaving the premises and from doors and windows being left open.

The Sub-Committee was advised that there appeared to be no designated person responsible for the management of the premises who could be approached if problems occurred.

The premises licence holder's legal adviser, Mr C Dunstall, addressed the Sub-Committee and stated that music had always been played at the club, but since Mr Over had been made aware of the complaints, no live entertainment or discos had been permitted at the premises since October. He advised that no other representations had been received from interested parties regarding the operation of the premises.

Although the noise limiter had now been installed and set at a level agreed with Environmental Health, it was acknowledged that Mrs Blaber continued to be disturbed. He stated that Mr Over accepted the condition proposed by Environmental Health that a scheme of soundproofing was required. Mr Over owned the lease of the property but was not involved in the day to day management of the premises. The Sub-Committee was advised that the premises would shortly undergo a change in management although the club would continue to run similar activities to those currently held.

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. Advice had been sought from the legal advisor regarding conditions which could be attached to the licence.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

RESOLVED: That the premises licence in respect of Roselands Men's Club be amended for the reasons as set out in the attached appendix.

The meeting closed at 11.53 a.m.

**D Purchase
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 6 February 2008

- Premises Licence Holder:
Premises: Mr Richard Over
Roselands Men's Club
- Reasons for Hearing: Relevant representations received from Environmental Health and Interest Parties under the public nuisance and public safety licensing objectives.
- Parties in attendance: Premises Licence Holder - Mr R Over and Mr C Dunstall (legal advisor)

Responsible Authorities - Environmental Health - Mr R Fenton and Mrs J Hickling (Pollution Services Team)
Interested Parties - Mrs J Blaber and Mrs K Newell
- Decision made: That the following conditions are attached to the Premises Licence:
- i) Customers shall be prevented from taking alcohol and other drinks from the premises in open containers.
 - ii) Customers shall not be permitted to take bottles or glasses from the premises or to bring alcohol onto the premises.
 - iii) Customers shall not be permitted to consume beverages in the outside area.
 - iv) A scheme of soundproofing for the building shall be submitted to the Licensing Authority. The playing of music of any description, save for incidental background music, shall not commence until all soundproofing works have been carried out to the satisfaction of the Licensing Authority. The soundproofing works shall be maintained thereafter to the satisfaction of the Licensing Authority.
- Reasons for Decision: The Sub-Committee has reviewed the Premises Licence 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 considered that sufficient evidence had been provided of breaches of the public nuisance and public safety licensing objectives and that the only course available to them given the facts and particularly the attempts taken by Environmental Health to resolve the issue of unacceptable noise levels, was to attach additional conditions to the licence to ensure that the licensing objectives were met.
- The Sub-Committee had particular regard to the recent history of noise problems caused by regulated entertainment at the

premises, the evidence submitted by Mrs Blaber and the concerns of Environmental Health regarding the current operation of the premises.

The Sub-Committee further recommended that the owner should consider the use of SIA Registered Door Supervisors when special events are held at the premises.

Date of Decision: 6 February 2008
Date decision notice issued: 18 February 2008

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 for the review, the holder of the premises licence and any other person who made relevant representations in relation to the application.

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.