



Licensing Act Sub-Committee - Record of Hearing held on Wednesday 15 October 2008 at 6.00pm

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

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence – 5 The Waterfront, Sovereign Harbour.

The Chairman introduced members and officers present and detailed the procedure to be followed. The Licensing Manager outlined the report detailing the application for a new premises licence for 5 The Waterfront. It was reported that following a meeting with local residents to discuss their concerns in relation to the operation of the premises, the application had been amended and a number of conditions had been agreed with the applicant.

Representations in support of the application were made by the applicant, Mr R Slatcher. He advised the Sub-Committee that to address residents' concerns and to promote the licensing objectives an earlier closing time of 1.00am was proposed. The terminal hour for the sale of alcohol and late night refreshment had also been revised to 12.30pm. A number of conditions had also been accepted which included CCTV provision and a limit on the occasions live music could be played. Signs would also be displayed requesting customers to leave the premises quietly. He stated that he would continue to work closely with the police and the licensing team to ensure the premises could operate with a negligible effect upon local residents.

SIA Registered Door Supervisors were employed at his other premises on Fridays and Saturdays and they would be made available at the restaurant if required. Staff would be instructed to ensure that the area is kept clear of litter. In response to a question regarding the installation of a noise limiter, the Licensing Manager advised that a noise limiter could distort live music and that it was not recommended as an option by the noise team.

Mr Slater indicated that as a food led operation, the request for live music was mainly for those occasions when the restaurant was hired for special occasions. Recorded music would be background only and the legal advisor clarified that recorded music was not a licensable activity where it was incidental to the main activity of the premises. A condition had been agreed that windows and doors would remain shut after 8.00pm. Mr Slater advised that permission had been obtained for outside seating and that regular perimeter checks would take place to monitor noise levels from customers using the outside area.

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

The Sub-Committee acknowledged and took into account the letters of representation submitted from interested parties who were not present at the hearing and also had regard to the additional letter of objection submitted by Mr K Green.

Councillor Mrs S Morris addressed the Sub-Committee on behalf of local residents who were concerned that the application would exacerbate the existing problems for residents who suffered noise and disturbance, anti-social behaviour and littering, including bottles and cans thrown into the harbour. Particular concerns were raised regarding the proposal for live music. Conditions were requested to limit the occasions permitted for live music to 6 times a year and to require the area to be regularly monitored and cleared of litter. The revised hours submitted by the applicant were supported. Councillor Mrs Morris made reference to the use of the outside area and whether this had been approved under the necessary planning permission and that unrestricted access to the pedestrian area was required under a legal agreement for the harbour.

The legal adviser advised the Sub-Committee that the question of whether the applicant had obtained the necessary permissions in respect of the outside seating was not relevant to this application and should be disregarded.

Mrs Brecher stated that she lived adjacent to the premises and that Hamilton Quay was the closest residential development to the Waterfront. The application would result in noise and disturbance during the early hours of the morning from both customers and music. Residents already suffered from noise, damage to property and alcohol related anti social behaviour from the adjacent bars and restaurants and the proposal would exacerbate existing problems in the area. Many residents were reluctant to be out after 10.00pm because of the unruly behaviour they had witnessed.

Particular concerns were raised regarding the use of the outside area by customers of the restaurant. She advised that the Garden Bar had recently been served with a noise abatement notice.

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, guidance under Section 182 of the Licensing Act 2003, 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 new premises licence application in respect of 5 The Waterfront, Sovereign Harbour be granted as set out in the attached appendix.

The meeting closed at 8.00p.m.

**D Purchase
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 15 October 2008

- Applicant: Mr Ronald Slatcher
- Premises: 5 The Waterfront
Sovereign Harbour
Eastbourne
- Reasons for Hearing: Relevant representations received from interested parties under the public nuisance, prevention of crime and disorder, public safety and the protection of children licensing objectives.
- Parties in attendance: Applicant and representatives:

Mr R Slatcher

Interested Parties:

Mrs A Brecher and Councillor Mrs S Morris
- Decision made: To grant the new premises licence as follows:
- Sale of Alcohol: (on & off the premises)**
- | | |
|-------------------|---------------------|
| Monday – Saturday | 10.30 – 00.30 hours |
| Sunday | 11.00 – 00.30 hours |
- Regulated Entertainment: (indoors & outdoors)**
- Recorded music:
- | | |
|-------------------|---------------------|
| Monday – Saturday | 08.00 – 01.00 hours |
| Sunday | 08.00 – 00.00 hours |
- Late night refreshment: (indoors & outdoors)**
- | | |
|-----------------|---------------------|
| Monday – Sunday | 23.00 – 00.30 hours |
|-----------------|---------------------|
- Open to the Public:**
- | | |
|-----------------|---------------------|
| Monday – Sunday | 08.00 – 01.00 hours |
|-----------------|---------------------|
- Subject to the following conditions (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):
- i) Recorded music shall take the form of incidental background music only both internally and externally.
 - ii) Windows and doors at the premises shall be kept shut at

- all times after 20.00 until the close of the premises save for access and egress.
- iii) Notices shall be prominently displayed throughout the site asking patrons to leave the premises quietly and to respect nearby residents.
 - iv) All beverages shall be sold and served by waiter/waitress service only to persons seated at tables and for consumption at tables.
 - v) CCTV, monitors and appropriate recording equipment shall be installed, operated and maintained to the specification required by Sussex Police.
 - vi) The external areas of the premises shall not be used for any licensable activities after 23.30.
 - vii) Staff at the premises shall, as far as practicable, ensure that the area in the immediate vicinity of the premises is kept clear of litter.

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 has weighed up the applicant's submissions alongside the representations made by the interested parties. It was considered that the concerns relating to crime and disorder and public nuisance could be met only by the imposition of conditions. The Sub-Committee also refused that part of the application which sought live music given the close proximity of Hamilton Quay residents to the premises and the potential for noise nuisance.

Date of Decision: 15 October 2008

Date decision notice issued: 24 October 2008

A written or electronic copy of this confidential Notice will be available to all Parties. A summary of the confidential proceedings of the hearing will be 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.