

Licensing Act Sub-Committee - Record of Hearing held on Thursday 9 December 2009 at 10.30am

MEMBERS: Councillor SZANTO (Chairman); Councillors Mrs GOODALL and Miss WOODALL.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence – The Leaf Hall Community Arts Centre, 51 Seaside.

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

The Licensing Manager outlined the report detailing the application from Mrs G Leonard for a new premises licence for the Leaf Hall Community Arts Centre.

The Licensing Manager advised that with regard to the consultation process and the display of the site notice at the premises, representations had been received regarding the visibility of the notice and that it was not in a place where it could be clearly seen. As a result the Licensing Team had required an additional notice to be displayed at the entrance to the premises. The consultation period had been extended to allow a longer period for representations to be made.

Representations in support of the application were made by the trustees of the centre, Mrs G Leonard, Mr B Cooper and Councillor N Goodyear. The Sub-Committee was advised that the application was sought in order to regulate the current activities. The venue would be used primarily for providing activities for young people, working closely with the County Council's youth development services. The building was in a poor state of repair and it was proposed to develop a programme of events to raise funds for essential maintenance. The Trustees had been given the support of the community police who had offered to assist with the dispersal of youths at the end of events.

The development of positive activities for young people was a priority measure in Devonshire Ward. Events at Leaf Hall for under 18's would end at 9.30pm and no alcohol would be available. A condition was also offered to employ an SIA registered door supervisor for these events.

Mrs Leonard advised of the additional conditions offered including an earlier terminal hour for regulated entertainment of 10.00pm and of 11.00pm for the sale of alcohol and opening hours. It was not intended to have a permanent bar but to offer alcohol to customers prior to and during intervals at events. A diverse range of events were proposed, to be held approximately twice a month and she stated that there would be no late

night drinking. It was seen that adult events where alcohol would be available would not be the main focus of the hall, but act as a means to provide an income and help fundraise towards its ongoing operation and maintenance programme.

With regard to the concerns relating to regulated entertainment, she advised that an acoustic report had been carried out and additional conditions had been offered in consultation with the Environment Noise Team. New doors were in the process of being installed to overcome the problem of noise escape and public safety.

Councillor Goodyear addressed the Sub-Committee in support of the representations made and stated that the Leaf Hall was a fundamental part of the regeneration project for Devonshire. The fabric of the building had been compromised by damage to the roof and the intention was to establish a fighting fund for the maintenance of the building.

Mr A Albon, Environmental Health Noise Officer had made written representations as a responsible authority under the prevention of public nuisance objective. He had recommended a number of conditions to ensure that amplified music was not audible to residents living in the flats to the rear of the premises. Following a mediation meeting a number of further conditions had been recommended to promote the licensing objectives relating to the closure of the internal door, the requirement for an acoustic survey, the implementation of other measures required by the Council's Noise Team and regular checks outside the premises to monitor noise levels.

Mr Albon advised that he was satisfied with the measures proposed and that any noise issues which arose could be addressed with appropriate measures and that the operation of the premises would be monitored closely.

Written representations had been received from two local residents as detailed in the report.

Mr M King addressed the Sub-Committee as a local resident living in a flat adjoining the Leaf Hall building. He made reference to the site notice which had been placed in a front window of the hall above eye level and then moved to the front door which usually remained open when the hall was in use. He stated that more objections may have been submitted had the notice been more visible.

Mr King welcomed the representations made by the Trustees, particularly the offer to close the premises at 11.00pm and that no permanent bar was proposed. He stated that the premises were generally well run but referred to one occasion in October 2010 when disturbance had been caused by very loud music. He raised no objections to the hall being used for the type of youth and community events proposed. He remained concerned that should the management of the hall change there remained the potential to change the nature of the venue and the type of events held.

The Sub-Committee acknowledged and took into account the letter of representation submitted from the interested party, Ms Connell who was not present at the hearing.

The Sub-Committee then considered 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 announced the decision as follows.

RESOLVED: That the new premises licence application in respect of The Leaf Hall Community Arts Centre Lamb, 51 Seaside be granted as set out in the attached appendix, subject to a revision in the hours and a series of conditions being attached to the premises licence.

The meeting closed at 11.58a.m.

**G Szanto
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Thursday 9 December 2010

- Applicant: Mrs Georgina Leonard
- Premises: Leaf Hall Community Arts Centre
51 Seaside
Eastbourne
- Reasons for Hearing: Relevant representations received from interested parties under the public nuisance and the protection of children from harm licensing objectives.
- Parties in attendance: Applicant and representatives:
Mrs G Leonard, Mr B Cooper and Councillor N Goodyear
- Responsible Authorities - Environmental Health Eastbourne
Borough Council Noise Team:
Mr A Albon
- Interested Parties:
Mr M King and Miss Y Pons (Legal representative)
- Licensing Authority:
Miss K Plympton (Council Licensing Manager) and Mr G Johnson (Council Regulatory and Litigation Lawyer).
- Decision made: To grant the new premises licence as follows:
- Sale of Alcohol: (on the premises)**
- Monday – Sunday 12.00 – 23.00 hours
- Regulated Entertainment: (indoors only)**
- Live music and anything of a similar description:**
- Monday - Sunday 12.00 – 22.00 hours
- Recorded music, provision of facilities for dancing, performances of dance and for anything of a similar description:**
- Monday - Sunday 09.00 – 22.00 hours
- Provision of facilities for making music, plays and films:**
- Monday – Sunday 10.00 – 22.00 hours
- Open to the Public:**
- Monday - Sunday 09.00 – 23.00 hours

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

- i) No regulated entertainment, including amplified music or speech should be performed at the premises until a noise/sound limiting device has been fully installed. The levels of this device shall be agreed and set, with the Councils Manager of the Health and Environment (Noise) Team or their nominated representative.
- ii) Regular checks outside the premises should be made and noise levels checked. This is to ensure no noise nuisance is caused to persons in neighbouring properties.
- iii) An acoustic report will be carried out by a qualified acoustic engineer and its recommendations acted upon before any regulated entertainment takes place.
- iv) The premises will also act on and implement the reasonable requirements of the Health and Environment (Noise) Manager or their nominated representative in relation to the prevention of noise and nuisance from the premises and its direct vicinity.
- v) No more than 5 persons to be permitted outside at any one time to smoke. The designated smoking area shall be restricted to the area adjacent to the front door of the premises, on Seaside.
- vi) Save for access and egress, the internal lobby door shall be kept closed at all times in order to minimise noise breakout.
- vii) The Designated Premises Supervisor or their nominated representative shall undertake regular checks outside of the premises to monitor noise levels to ensure no noise nuisance caused to persons in neighbouring properties.
- viii) One Security Industry Authority registered Door Supervisor shall be employed for every 50 customers or part thereof at any under-18 event.
- ix) One Security Industry Authority registered Door Supervisor shall be employed for every 100 customers or part thereof at any over-18 event.
- x) Whenever alcohol is being sold a personal licence holder shall be on site to supervise the premises.
- xi) The Leaf Hall shall retain its focus as a community venue, with its primary use being a venue for community events. It shall not become a vertical drinking establishment, where alcohol and/or regulated entertainment become its primary mode of operation.

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 was satisfied with the submissions made

in support of the application and the measures offered by the applicant to address the concerns raised in respect of the operation of the premises.

In recognising the concerns of local residents the Sub-Committee imposed a number of conditions required by Environmental Health and which had been accepted by the applicant.

The conditions imposed were considered necessary to meet the objective of preventing public nuisance.

Date of Decision: 9 December 2010
Date decision notice issued: 22 December 2010

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.