

Licensing Sub-Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 17 December 2019 at 6.00 pm

Present:

Councillor Candy Vaughan (Chair)
Councillors Amanda Morris and Colin Murdoch

Officers in attendance:

Danielle Ball (Specialist Advisor - Licensing, Service Delivery), Michele Wilkinson (Lawyer (Housing & Regulatory)), and Emily Horne, Committee Officer

6 Appointment of Chair

Councillor Morris proposed and Councillor Murdoch seconded that Councillor Vaughan be appointed as Chair for this meeting.

RESOLVED: That Councillor Candy Vaughan was appointed Chair for the meeting.

7 Minutes of the meeting held on 26 September 2019

The minutes of the meeting of the Sub Licensing Committee held on 26 September 2019 were approved and the Chair authorised to sign them as a correct record.

8 Apologies for absence / declaration of substitute members

There were none.

9 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct

There were none.

10 Application for a variation to the current Premises Licence: Three Monkeys Bar and Kitchen, 16 Langney Road, Eastbourne, BN21 3QA

All parties present introduced themselves and the Chair detailed the procedure to be followed at the hearing. There were no objections to the procedure from those present.

The Specialist Advisor for Licensing outlined the report setting out the application for a variation to the current premises licence for Three Monkeys Bar and Kitchen, 16 Langney Road.

Details of the application for a variation to the current premises licence were appended to the report. When submitting an application for the variation of a premises licence under the Licensing Act 2003, the applicant is required to describe any steps they intended to take to promote the four licensing objectives, as defined by the Licensing Act 2003. These were appended to the report at Appendix 1.

The premises in question is located within the cumulative impact zone (CIZ) and where valid representations were received, the cumulative impact policy (CIP) created a rebuttable presumption that the application be refused.

Following a consultation period of 28 days, two representations had been received from “responsible authorities” and were included in part of the agenda pack circulated. The representations centred on the prevention of crime and disorder, the prevention of public nuisance and public safety.

Mr Dene Sonnessa, applicant, acknowledged that he had not correctly referred to the four licensing objectives or the CIZ within the application form. Following communication with Sussex Police Licensing, he said he had agreed to all the conditions they had recommended to be placed on the licence.

Councillors asked Mr Sonnessa, why he had applied for the same operating hours as Cameo Nightclub. He said he wanted the same opportunity as other businesses, to work together rather than work off the back of each other.

Councillors sought clarification regarding the type of films and dance that the applicant had proposed to provide. Mr Sonnessa explained that films and music videos would be played in the background for adults and children using an overhead projector. Live dancers would perform alongside live bands and a karaoke machine would be available for use on a regular basis. In response to questions raised regarding the capacity of the premises, Mr Sonnessa confirmed the venue could hold a maximum of 60 people, but more likely 40 people, and seat 35 people. He also said that customers under the age of 18 would be advised upon entering the building that they must vacate the building after eating.

Sussex Police stated that the applicant was seeking to change the use of the premises to a late night vertical establishment by extending the hours of operation to 03:00hrs. They referred to crime and disorder data, stating that another late night premises in the area would negatively add to problems in the CIZ. Having met with the applicant on 3 November 2019 to determine type of premises, the applicant had said he wanted freedom to try different things, but he did not understand CIZ or the statement of Licensing Policy. Furthermore, he had not offered any additional conditions or information on

how the premises would promote the licensing objectives. Sussex Police urged the Sub-Committee to refuse the application, but if minded to approve it, they requested all of the conditions referred to in their representation in Appendix 3 of the agenda, be added to the exact wording, and proposed the premises close at midnight.

Councillors questioned whether there was a link between late night opening hours of drinking establishments and incidents fuelled by alcohol. Sussex Police said that analysis had showed a strong link between the two, and that most violent crime was fuelled by alcohol. An additional premises would add to problems in the area.

Councillors questioned the dispersal of other premises in the area. Sussex Police confirmed that there were other late night food establishment premises which have a dispersal policy eg Embassy, Seaside. But they had not received clarification from the applicant on how they would manage their dispersal policy.

Mr Albon, Specialist Advisor - Public Health, addressed the Sub-Committee in regard to the lack of information supplied by the applicant to promote the Licensing Objectives of the prevention of public nuisance. He said the premises would cause noise nuisance to residential properties in the area, especially taking on board the requested hours of opening. He referred to the conditions listed in his representation, Appendix 5 of the agenda, which he requested be added to the licence if granted.

Councillors questioned whether the premises was sound proofed. Mr Albon said he had not been inside the premises, but it did have a glazed shopfront.

In summary, Sussex Police said this was an application for a new late night venue in the heart of the CIZ. The premises would not effectively promote the licensing objectives and there was not enough detail in the application to override the presumption of rebuttal for this application within the CIZ.

To conclude, Mr Sonnessa, said he and his business partner wanted an opportunity to give the business a go.

Following all the evidence presented, the Sub-Committee retired to consider and determine the application.

Having taking into account all the relevant considerations, the Sub-Committee reconvened and announced the decision as follows:

RESOLVED: That the application for a variation to the current premises licence be refused.

The meeting ended at 7.28 pm

Councillor Candy Vaughan (Chair)

