

**Licensing Sub-
Committee
9 June 2022**



Working in partnership with **Eastbourne Homes**

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

Councillors Peter Diplock, Penny di Cara and Candy Vaughan

Reserve: Councillor Robin Maxted

Quorum: 3

Published: Monday, 30 May 2022

Agenda

- 1 Appointment of Chair**
- 2 Apologies for absence / declaration of substitute members**
- 3 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**
- 4 Application for a Review of a Premises Licence - Next Door Bar, 8 Bolton Road, Eastbourne, BN21 3JX (Pages 3 - 40)**
Report of the Director of Service Delivery

Information for the public

Accessibility:

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Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for Councillors

Disclosure of interests:

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In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address:

Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

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Report to:	Licensing Sub-Committee
Date:	9th June 2022
Title:	Application for a Review of a Premises Licence for Next Door Bar, 8 Bolton Road, Eastbourne, BN21 3JX
Report of:	Director of Service Delivery
Ward(s):	Meads Ward
Purpose of report:	To review the premises licence for Next Door under the Licensing Act 2003.
Officer recommendation(s):	To review the licence granted to the premises known as Next Door under the Licensing Act 2003.
Reasons for recommendations:	To determine the review application submitted by Environmental Protection and representations made within consultation period
Contact Officer(s):	Name: Jade Marshall Post title: Specialist Advisor - Licensing E-mail: jade.marshall@lewes-eastbourne.gov.uk Telephone number: 07984 552275

1 Introduction

- 1.1 Eastbourne Borough Council received an application for a review of a Premises Licence under the Licensing Act 2003 for Next Door, 8 Bolton Road, Eastbourne, BN21 3JX from Environmental Protection on the 26th April 2022. The application for review is included along with additional evidence at **Appendix 1**.
- 1.2 At any stage, following the grant of a premises licence, a Responsible Authority or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.3 Environmental Protection have called this review due to complaints from neighbours in regards to noise coming from the outside areas. Created by both regulated entertainment and customers.
- 1.4 Environmental Protection have proposed an additional condition on page 5 of the Review application, see below:

All Licensable activity outside the Next Door bar premises is brought in house from 23.00 hrs till 02.00 hrs (closing hour).

1.5 The grounds for the review relate to the following Licensing Objective:

- Prevention of Public Nuisance.

2 Consultation Process

2.1 The Licensing Act 2003 requires the Licensing Authority to put up public notices of the review details outside the premises and outside the Town Hall for 28 days. All Responsible Authorities have also been consulted as part of the process. There was a consultation period of 28 days, from the 27th April 2022 until midnight on the 24th May 2022, for representations to be made. The public notice is attached at **Appendix 2**.

3. Supporting Representations Received

3.1 During the consultation period 4 representations were received and related to the Prevention of Public Nuisance. All of which have asked to remain anonymous and you will find their redacted representations at **Appendix 3**. Set out at Exempt **Appendix 4** are the names and addresses of those making representations for the information of the Committee.

3.2 It is considered that not all the information provided within these representations is valid within the Licensing Act 2003 and the Licensing Objectives.

3.3 No other Responsible Authorities made a representation.

4 Background of Premises

4.1 The premises was first issued a premises licence on the 28th November 2005 for the Sale by Retail of Alcohol, Live and Recorded Music.

4.2 Opening Times Monday to Sunday 10:00hrs until 02:00hrs.

Sale by retail of Alcohol Monday to Sunday 10:00hrs until 01:30hrs
On and Off the premises.

Live Music Sunday 19:00hrs until 23:00hrs
Indoors Only.

Recorded Music Monday to Sunday 10:00hrs until 02:00hrs
Indoors Only.

4.3 The current Premises Licence can be found at **Appendix 5**.

4.4 Unfortunately due to the premises licence being historic the Licensing Team have no plan on file. Therefore Members are provided with a screenshot of the premises from Google maps to show the outside areas. This can also be found at

Appendix 5 and is indicated by the blue arrow.

- 4.5 There have been no variations to the premises licence since it was originally granted.
- 4.6 A transfer to the current Premises Licence Holder, M M Singh Ltd, was made on the 23rd July 2021. The current Designated Premises Supervisor is Mr Manasdeep Singh.
- 4.7 A Community Protection Warning letter has also been issued to the premises on 25 March 2022.
- 4.8 There are no complaints on the Licensing Team's records prior to the Review being called. There has been one complaint received after the Review was submitted and is being looked at by the Licensing Team.
- 4.9 However, the licence states, under the heading All Licensing Objectives on page 8 of the current licence below, a condition:
2. The garden areas at the front and side of the premises shall not be used after 00:00hrs. No music shall be played in the outside areas of the premises.

5. The Decision Making Process - The Licensing Objectives

- 5.1 At this hearing the Licensing Sub Committee must:
- Consider the application made in accordance with Section 51 of the Licensing Act 2003;
 - Consider any relevant representations;
 - Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives.
- 5.2 The Sub-Committee are asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 (Hearing) Regulations 2005 (as amended).

6. Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance

- 6.1 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members' Room.
- 6.2 Whilst each application will be considered on its merits, the Licensing Sub-Committee will act to promote the four licensing objectives and have due regard to:
- Eastbourne Borough Council's Statement of Licensing Policy 2019 - 2024.
 - Section 182 Guidance issued by the Home Office.
- 6.3 Eastbourne Borough Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the

Licensing Act 2003. An overview appears below and are numbered as in Policy.

29.3 Revocation or suspension of premises licences or certificates will normally be considered where offences, such as sale of alcohol to persons who are drunk or sale of alcohol to persons under 18, occur on a regular basis. Review proceedings are often the last stage in a process where other steps have failed to address the issues that may arise:

- Action needed should seek to promote the licensing objectives but be balanced against the financial impact on the business.
- Action should be proportionate.
- Action should support the local community safety, crime reduction and drugs strategies, particularly those relating to alcohol misuse.

29.6 Section 182 Guidance, the Guidance, issued in connection with the Licensing Act 2003 stipulates that any representation made must be in writing, relate to particular licensed premises and be relevant to the promotion of the four licensing objectives.

29.7 The value of detailed evidence to support a representation cannot be over emphasized. Persons making a representation can attend the Review hearing. The person making the representation can amplify this at the hearing, but not extend this to other matters outside of the original representation.

29.8 Partnership working and warnings:

The Guidance further states that the promotion of the licensing objectives relies heavily upon partnership working with licence holders, authorised persons, any other person and Responsible Authorities in the pursuit of common aims and objectives. Reviews should not be used as a mechanism to create divisions between these groups to the extent that it undermines the benefits of co-operation and partnership working.

The Guidance recognises that it would be good practice for authorised persons and responsible authorities to give licence-holders early warning of their concerns about problems identified at the premises or in the vicinity of the premises where this can be linked back to the site and of the need for improvement. Failure to respond to these warnings or a Premises Action Plan is expected to lead to a decision to request a review of the premises licence or certificate.

7. Prevention of Public Nuisance (numbered as per Statement of Licensing Policy (SoLP))

14.1 The Licensing Authority will require operators to demonstrate how matters will be addressed to limit public nuisance, prevent disturbance and protect amenities.

- 14.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for noise, nuisance and anti-social behaviour.
- 14.3 Amplified music or other entertainment noise from within the premises shall be inaudible within any residential premises. The test for compliance with 'inaudibility' will be that noise should be no more than barely audible outside of nearby business and residential properties.
- 14.4 The Licensing Authority will take into consideration a range of issues, and consider the imposition as appropriate of conditions, including:
- The proximity of residential accommodation.
 - The type of use proposed, including the likely numbers of customers, proposed hours of operation, nature of regulated entertainment and the frequency of activity.
 - Steps taken or proposed to be taken to prevent noise, disturbance and vibration breaking out from the premises. This may include music, noise from ventilation equipment, and human voices.
 - Steps taken to prevent disturbance by customers arriving at or leaving the premises will also need to be detailed. This will usually be of greater importance between 10.30 p.m. and 7 a.m. than at other times of the day.
 - The steps taken or proposed to be taken by the applicant to prevent customers queuing. If queuing is inevitable, then queues should be diverted away from neighbouring premises and residential accommodation or be otherwise managed to prevent disturbance or obstruction.
 - The steps taken to ensure staff and customers leave the premises quietly, including the provision of appropriate "leave quietly" signage.
 - Arrangements made or proposed for parking by customers specific to the licensed premises where relevant, and the effect of parking by patrons on local residents.
 - The provision for public transport in the locality, including taxis and private hire vehicles for customers to facilitate dispersal.
 - The level of likely disturbance from associated vehicular movement.
 - The delivery and collection areas and delivery/collection times.
 - The siting of external lighting, including security lighting which may cause light pollution and/or disturbance to neighbouring properties.
 - The impact on refuse storage and litter.
 - The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present premises licence operators.
 - The history of the applicant in controlling anti-social behaviour and preventing nuisance.
 - The generation of odour, e.g. from the preparation of food.
 - Any other relevant activity likely to give rise to nuisance.
 - Any representations made by the Responsible Authorities or other relevant agency/representative.
 - The use and control of gardens and other open-air areas.

14.5 Such measures may include:

- Keeping windows and doors shut save for access and egress.
- The installation of soundproofing, air conditioning, acoustic lobbies, acoustic devices and sound limitation devices.
- Operators to undertake regular checks and assessments in the vicinity of the premises and take steps to limit disturbance and noise breakout
- Limiting the number of patrons at any one time in any external areas, particularly where it is in close proximity to residential accommodation.

7.1 Although the above section from the SoLP mentions an application, the Officer believes it is still relevant for a Review hearing.

8. Options open to the Sub-Committee

8.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the Licensing Objections and may:

- modify the conditions of the licence;
- modify the times licensable activities can take place;
- exclude a licensable activity.

Modified in the above context means altered or omitted or any new condition added, and also the above steps can be temporary, for a period of up to 3 months, or permanent.

- issue a warning;
- remove the Designated Premises Supervisor;
- take no action;
- suspend the licence for a period not exceeding 3 months, or
- revoke the licence.

8.2 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case-by-case basis. The applicant or any person may also suggest conditions to address concerns as a means to promote the Licensing Objectives. The Sub-Committee may not impose any condition unless its discretion has been exercised following receipt of a relevant representation and is satisfied that it is appropriate to promote one or more of the licensing objectives.

9. Right of Appeal

9.1 An appeal made to the Magistrates' Court within 21 days of the appellant being notified of the decision. An appeal may be made by the applicant for the review, the premises licence holder or any other person who has made a relevant representation.

9.2 The determination of the Licensing Sub Committee will have no effect until the end of the period for the appeal as passed or until the disposal of the appeal.

10. Financial

10.1 The cost of delivering the licensing function is fully covered by the Licensing fees.

10.2 A decision made by the Sub Committee may be appealed by any party to the proceedings to a Magistrates' Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council.

11. Legal implications

11.1 Under section 51 Licensing Act 2003 a Responsible Authority or any other person may apply for a review of a premises licence. Under section 52, the licensing authority before determining the application must hold a hearing. At the hearing the Licensing Sub Committee must have regard to the application, and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives.

11.2 The remedial action, if any, should generally be directed to the concerns raised in the review application and should always be no more than is appropriate and proportionate to address the concerns.

11.3 The Legal section considered this report on 26 May 2022 (IKEN-11064-EBC-MW).

12 Risk management implications

12.1 There are no risks associated with the content of this report.

13 Equality analysis

13.1 An Equality Analysis is not constructive in this instance.

14 Environmental sustainability implications

14.1 There are no sustainability and/or carbon reduction implications associated with this report.

15 Appendices

- 15.1
- Appendix 1 - Application for review and supporting evidence under the Licensing Act 2003.
 - Appendix 2 - Public Notice.
 - Appendix 3 - Representations made by members of the public. (Exempt under Paragraphs 1 and 2 of Schedule 12a).

- Appendix 4 - Names and addresses of those making representations for the information of the Committee. (Exempt under Paragraphs 1 and 2 of Schedule 12a).
- Appendix 5 - Current premises licence and Google map screenshot of the premises.

16 Background papers

16.1 The background papers used in compiling this report were as follows:

- Section 182 Statutory Guidance to the Licensing Act 2003 available [here](#)
- Eastbourne Borough Council Licensing Statement 2019-2024 available [here](#)
- Human Rights Act 1998.
- Equality Act 2010.
- Crime and Disorder Act 1998.

APPENDIX 1

Eastbourne Borough Council
Customer First Team
1 Grove Road
Eastbourne
BN21 4TW

E-mail: customerfirst@eastbourne.gov.uk

Forms & guidance can be downloaded from www.eastbourne.gov.uk/licensing



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Temitayo Olatunji

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Next door bar 8 Bolton road Eastbourne	
Post town Eastbourne	Post code (if known) BN21 3JX
Name of premises licence holder or club holding club premises certificate (if known) Mr Manasdeep Singh	
Number of premises licence or club premises certificate (if known)	

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Part 2 - Applicant details

I am

**Please tick
yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

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(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mr Temitayo Olatunji Eastbourne Borough Council 1 Grove Road Eastbourne BN21 4TW
Telephone number (if any) : 01323 415 751
E-mail address (optional) : Temitayo.Olatunji@lewes-eastbourne.gov.uk (Preferable for contact).

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- 1) the prevention of crime and disorder
- 2) public safety 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

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Please provide as much information as possible to support the application (please read guidance note 2).

Next door bar currently has a licence covering the use of within and outside the premises. There are two gardens with one located at the rear and one at the front of the licensed premises. The business owner and D.P.S Is Manasdeep Singh.

Currently, the back garden seats a total of 15 people. It is closed to customers from 00.00 hrs. While the front garden area, seats a total of 25. Entertainment via amplified music is permitted till 23.00 hrs.

Recently, The EP team has been receiving complaints spanning months (from records, the first notification was made years ago by one of the residents) from three residents within the vicinity of Next door bar with regards to excessive loud noise in the form of music and loud noise from attendees gathering outside both the back and front gardens of the premises.

A joint site visit between myself and the night - time economy licensing officer was carried out on the 19th of January on Next door bar. The business owner was advised on noise control measures on the site and notified of implications on non – compliance. Since the first report of loud noise from loud music and people noise on this premises on the 30th of December 2021 till the date of this submission, there has been a total number of 36 noise app recordings (the council's official route of evidencing noise). From these recordings, a recording dated the 19th of March 2022 highlighted evidence of distress and disturbance to neighbours. From this, a Community protection warning letter dated the 25th of March 2022 was served on Manasdeep as the Business owner.

Further concerns of non – compliance have been triggered by assessment of the nature of the loud noise from the premises. Evidence of loud music has been assessed from a few recordings on these dates :

02/04/2022 at 21.31 hrs
02/04/2022 at 23.59 hrs
03/04/2022 at 01.13 hrs
09/04/2022 at 22.43 hrs
09/04/2022 at 23.52 hrs
15/04/2022 at 22.42 hrs
16/04/2022 at 00.36 hrs
16/04/2022 at 14.37 hrs
16/04/2022 at 21.35 hrs
16/04/2022 at 23.59 hrs

Of concern has been the evidence of two incidences of loud noise outside the premises occurring after Midnight from the assessment of the above recordings.

Despite numerous attempts to warn the premises licence holder of the effect of the loud noise from the premises on neighbours, he has failed to prevent disturbance and distress to neighbours. Email correspondence on the 2nd of March and subsequent phone calls made to Manasdeep on the matter were not heeded to.

APPENDIX 1

The evidence of non – compliance above together with the complaints from residents following a recent meeting to discuss matters with them, has given grounds for this application of a review of the current licence for next door bar.

The Environmental protection and Licensing team propose the following condition on the current licence :

“ All Licensable activity outside the Next door bar premises is brought in house from 23.00 hrs till 02.00 hrs (closing hour)”

Copies of all correspondences, evidence of non – compliance and CPW are available on case file and on have been included with this application :

Follow up letter to the Licence Holder dated 09/02/2022 stating conditions to be adhered to under noise control measures.

Community protection warning letter dated the 25/03/2022 following evidence of excessive loud music and people noise causing disturbance and distress to neighbours.

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Have you made an application for review relating to this premises before ?

Please tick : Yes **No X**

If yes please state the date of that application

Day
Month
Year

If you have made representations before relating to this premises please state what they were and when you made them

I have not a made representation before relating to this premises .

Please tick yes

- I have sent copies of this form and enclosures to the
 responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above
 requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature : *J. Olatunji*

.....

Date : 25th of April 2022

.....

Capacity : Senior Specialist (Environmental protection and Housing)

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

APPENDIX 1

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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LICENSING
THE LICENSING ACT 2003 (PREMISES LICENCES AND
CLUB PREMISES CERTIFICATES) REGULATIONS 2005
Regulation 38 Notice

TO WHOM IT MAY CONCERN

We, Eastbourne Borough Council do hereby give notice that it is our intention to review the premises known as

Next Door Bar, 8 Bolton Road, Eastbourne, BN21 3JX

for the following reasons :

We have received an application for a review from **Environmental Protection**.

The grounds for the review are that it is necessary in order for the Licence Holder to meet the licensing objective of the **Prevention of Public Nuisance**.

Any person who desires to make a representation to the **review** should send to **The Licensing Officer Eastbourne Borough Council Grove Road Eastbourne BN21 4UG** or via **licensing@lewes-eastbourne.gov.uk** no later than **24th May 2022** a brief written statement of the grounds of his/her representation. The register and grounds for the review may be viewed at the above council office during normal office hours; summaries are available via the Public Register at www.lewes-eastbourne.gov.uk.

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is currently an unlimited fine.

Dated this : 26th day of April 2022

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Representation 1

REDACTED

My understanding is that the current business is operating under a license issued in 2005 and is now under review.

14 Lismore road was converted from an office to 6 flats with owners, tenants, moving in December 2017 and early January 2018.

Since Mr Singh acquired the property in May 2021? and converted it into a bar disco the situation has become unbearable, with loud music and rowdiness from the outside area going on well past midnight.

I have had to move out of the master bedroom due to the noise levels and family and friends refuse to stay.

These bar venues along Bolton road are converted old Victorian buildings not designed or sound proofed to today's standards to effectively insulate powerful commercial sound systems. The high watts and low frequency base is the problem.

The local demographics has changed aswell, since 2018.

14 Lismore road, now 6 flats,

10 Bolton road, was a doctors surgery, now in the process of being converted into 9 flats,

7b Bolton road converted into 6 flats.

In my view the building at 8 Bolton road is not fit for purpose for this type of business run as disco/ night club with its main revenue earnings generated between 9pm to 2am. Next Door is registered at companies house as a licensed restaurant. Run as such would not cause the current nightmare the residence have to endure. The current license arrangement does not work as Mr Singh continuously turns the volume up at will. The noise patrols are limited and unable to monitor the situation to a level guaranteeing the residence the peace they are entitled too. Instead the buck is passed back to us and instructed to use the noise app, no feed back is given and hence non the wiser. In addition it appears the app does not accurately reflect the effects and disturbed caused by the continuous low level frequencies generated, have on the ears and mind. Clearly one can't continue like this.

In order to resolve the issue in the long term the review of the licence should bring forward the music cut off time and clear out of customers in the out side area to 11pm as Mr Singh is clearly unable to stick to any agreement.

Under the Environmental Protection Act 1990, for noise to count as a statutory nuisance – defined as unreasonable and substantially interfere with the use or enjoyment of a home, hence It is my view that the current license for the premises of 8 Bolton road is denying me my legal right to live in peace, which clearly is the case. The current situation is unacceptable and the new terms of the license needs to take into account the change in demographics, the social well being of the local residence and the long term psychological

APPENDIX 3

effects of noise pollution. In addition should I wish to sell my property, the night time disturbance caused by the said venue will get red flagged and hence affect the value.

Kind regards,

REDACTED

APPENDIX 3

Representation 2

FAO: Licensing Officer
Re licensing review.
Next door bar
8 Bolton road
Eastbourne bn21 3jx

I would like to draw your attention to the problems residents have been having since Mr Singh bought a restaurant and converted it into a late night music bar. Mr Singh knew when he bought it, residential properties adjoin the side and rear of his property - REDACTED haven't just appeared out of nowhere. The outside patio under a flimsy pergola, and rear garden are being used as customer drinking areas. Because of the excessive volume of music that emanates from the bar as a result of the side and rear doors being kept open, and a lack of adequate soundproofing within the building, customers are having to shout to be heard due to the relentless pounding of music. Eastbourne council are encouraging change of use from commercial to residential properties in this area The former Doctors surgery 10 Bolton road is being converted to multiple flats. Is it right/acceptable that incoming residents are being subjected to excessive noise harassment?

If the panel would consider a restriction on outside drinking times to 11pm, that would certainly be beneficial - but as the building is not fit for the purpose it's being used for, noise pollution will continue to be the bane of local residents lives.

Yours faithfully
REDACTED

APPENDIX 3

Representation 3

REDACTED

NEXT DOOR, BOLTON ROAD, EASTBOURNE BN21 3JX
PREVENTION OF PUBLIC NUISANCE

To whom it may concern

With reference to the bar known as NEXT DOOR and the notice attached to the premises on 26th April 2022.

Since the 17th May 2021 and what is now known as 'Freedom Day' this bar has consistently been a contentious issue for residents within close proximity and whose properties overlook the side and rear of the above mentioned bar.

For almost a year, we have had to endure loud music, noisy customers on an almost nightly basis without any consideration to others. The owner Mr Singh, despite having been spoken to on several occasions and warning notices issued, appears to be a law unto himself and continues to do as he pleases regardless.

With this area changing and more domestic properties appearing, ie the former Doctors Surgery at 10 Bolton Road, currently undergoing works to convert to nine domestic dwellings. Not to mention others in Bolton Road above all three bars in this area and on the opposite side of the road.

I note that the licence for 8 Bolton Road (Next Door) was originally issued in 2005!

Seventeen years later and this has not been reviewed in keeping with the ever changing demographics of the area.

Is this bar a bar? Night club (as it appears to trade as one)? Or will it ever be the restaurant that Mr Singh stated it would be?

What I would like to see if that the outside area is closed from 22:00 hours with a cut off point of 23:00 and all doors closed to decrease the disturbances we have endured for so long now.

On a personal level, this constant and selfish behaviour from this premises are having a serious impact on my mental health, I am on medication to help with the stress and anxiety all of this is causing. There is only so much a person can take and we REDACTED have certainly had to deal with more than anyone could probably cope with.

Whilst I do not wish for any business to be shut down, I would like to see agreeable compromises made and most certainly from Mr Singh.

Whilst I continue to report vis the Noise App, I do not feel that this accurately reflects exactly what we are hearing and how disruptive it all is.

One can only hope for a sensible and agreeable conclusion.

REDACTED

APPENDIX 3

Representation 4

FAO: Licensing officer
Re- Licensing review
Next Door Bar
8 Bolton road
Eastbourne
Bn21 3jx

Dear Sir/ Madam,

Mr Singh has caused local residents immense disruption and distress with noise pollution since he opened.

When Mr Singh bought the property he knew that there were residential properties close by with 9 more coming with council approval. It's awful that when he changed it from a restaurant to a full on night club he didn't feel it necessary to soundproof the windows - particularly the large 2 side ones that face REDACTED that have only been covered internally for decor / as well as the doors and skylights Even when Mr Singh extended the pergola at the side - there are large open gaps between the roof beams - and the supporting structure that faces REDACTED is only a generic garden fence. There is absolutely no protection from his noise spill. As REDACTED has already stated, the last review was in 2005. I sincerely hope that the panel can view the property so they can fully appreciate my concern that the building as it is- is not fit for the purpose Mr Singh is using it for, and take that into account. I feel 11pm is more than reasonable as a cut off time to have the outside areas and doors closed.

Regards.
REDACTED

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Part A
Premises Licence 004001

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Next Door
8 Bolton Road, Eastbourne, East Sussex, BN21 3JX

WHERE THE LICENCE IS TIME LIMITED THE DATES

Start Date: 28 November 2005

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Live Music
Recorded Music
Sale by Retail of Alcohol

THE OPENING HOURS OF THE PREMISES:

Mon 10:00-02:00
Tue 10:00-02:00
Wed 10:00-02:00
Thu 10:00-02:00
Fri 10:00-02:00
Sat 10:00-02:00
Sun 10:00-02:00

New Year's Eve - New Year's Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Live Music
Sun 19:00-23:00
Indoors

Recorded Music
Mon 10:00-02:00
Tue 10:00-02:00
Wed 10:00-02:00
Thu 10:00-02:00
Fri 10:00-02:00
Sat 10:00-02:00
Sun 10:00-02:00
Indoors

New Year's Eve - New Year's Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.

Sale by Retail of Alcohol	<p> Mon 10:00-01:30 Tue 10:00-01:30 Wed 10:00-01:30 Thu 10:00-01:30 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-01:30 </p> <p> New Year's Eve - New Year's Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January. </p>
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES
On and Off Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

M M Singh Ltd

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

11923578

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Mr Manasdeep Singh

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence Number: 1320/048543

Issued By: Eastbourne Borough Council

ANNEXES

Annex 1 – Mandatory Conditions under the Licensing Act 2003

Sale/Supply of Alcohol (On & Off Sales)

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

1. No supply of alcohol may be made under the Premises Licence –

(a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or

(b) at a time when the Designated Premises Supervisor does not hold a personal licence or his/ her personal licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a personal licence.

3. (1) The Responsible Person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the Responsible Person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The Responsible Person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. The Responsible Person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml.

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. (1) The Relevant Person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph (1)

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

b) "permitted price" is the price found by applying the formula –
$$P = D + (D \times V)$$

Where

i. P is the permitted price;

ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and,

iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

c) "relevant person" means in relation to premises in respect of which there is in force a premises licence –

i. The holder of the premises licence;

ii. The designated premises supervisor (if any) in respect of such a licence; or,

iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence.

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies which take place before the expiry of the period of 14 days beginning on the second day.

7. (1) The Premises Licence holder or Club Premises Certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the Responsible Person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Note:

In section 153(4) of the Licensing Act 2003, "Responsible Person" means:

(a) In relation to licensed premises:

- (i) the holder of a Premises Licence in respect of the premises;
- (ii) the Designated Premises Supervisor (if any) under such a licence; or,
- (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.

(b) In relation to premises in respect of which there is in force a Club Premises Certificate, any Member or Officer of the Club present on the premises in a capacity which enables him to prevent the supply in question.

Transferred Conditions

The Prevention of Crime and Disorder

1. Door supervisors will be on duty on the premises from 20:00 until 02:00 on Fridays and Saturdays.
2. The existing CCTV system will be updated and extended. The sign advising customers that they are on CCTV shall be positioned in a prominent position on the premises.
3. A condition that no drink shall be removed from the premises in an unsealed container.
4. Use of proof of age cards.
5. Use of crime prevention notices.

Annex 2 – Conditions consistent with the operating schedule

All Licensing Objectives

The conditions that are in place are deemed to be sufficient to promote the licensing objectives.

Annex 2A – Embedded Restrictions

On Licences

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises

1. Premises with no children's certificate –

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is

ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meal and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168,171 and 201 Licensing Act 1964

2. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

3. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Annex 3 – Conditions attached after a hearing by the licensing authority Committee Hearing 27th September 2005

All Licensing Objectives

1. A Security Industry Authority registered Door Supervisor shall be employed and on duty at the premises from 20:00hrs until closing time on Fridays and Saturdays and at special events.
2. The garden areas at the front and side of the premises shall not be used after 00:00hrs. No music shall be played in the outside areas of the premises.
3. The side door of the premises shall remain closed after 00:00hrs except in the event of an emergency.
4. Customers shall be prevented from taking alcohol and other drinks from the premises in open containers.
5. The noise limiters at the premises shall be used and maintained to the satisfaction of the Licensing Authority.

Annex 4 – Plans

At the time of submission the attached plans are an accurate reflection of the design and layout of the premises.

Part B
Premises Licence Summary 004001

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Next Door
8 Bolton Road, Eastbourne, East Sussex, BN21 3JX

WHERE THE LICENCE IS TIME LIMITED THE DATES

Start Date: 28 November 2005

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Live Music
Recorded Music
Sale by Retail of Alcohol

THE OPENING HOURS OF THE PREMISES:

Mon 10:00-02:00
Tue 10:00-02:00
Wed 10:00-02:00
Thu 10:00-02:00
Fri 10:00-02:00
Sat 10:00-02:00
Sun 10:00-02:00

New Year's Eve - New Year's Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:


Live Music
Sun 19:00-23:00
Indoors

Recorded Music
Mon 10:00-02:00
Tue 10:00-02:00
Wed 10:00-02:00
Thu 10:00-02:00
Fri 10:00-02:00
Sat 10:00-02:00
Sun 10:00-02:00
Indoors

New Year's Eve - New Year's Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the

	start of permitted hours at 1000 hours 1st January.
Sale by Retail of Alcohol	<p>Mon 10:00-01:30 Tue 10:00-01:30 Wed 10:00-01:30 Thu 10:00-01:30 Fri 10:00-01:30 Sat 10:00-01:30 Sun 10:00-01:30</p> <p>New Year's Eve - New Year's Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours, 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.</p>

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES
On and Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE
MM Singh Ltd


REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
11923578

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL
Mr Manasdeep Singh

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED
N/A

