

# Eastbourne Borough Council

## Decision Notice

### Licensing Act Sub-Committee held on Tuesday 22 October 2013

- Premises Licence Holder:  
Premises: Six Piers Limited  
Eastbourne Pier, Grand Parade
- Reasons for Hearing: Relevant representations received from interested parties and responsible authorities under the prevention of public nuisance and the prevention of crime and disorder licensing objectives, this in the context of the Council's Cumulative Impact Policy.
- Parties in attendance: Applicant:  
Ms Sarah Clover (Counsel for the Applicant), Mr Christos Stylianos (Manager of Eastbourne Pier) and Ms Sarah Taylor (Solicitor from Poppleston Allen)
- Licensing Authority:  
Mr Jay Virgo (Senior Specialist Advisor),
- Legal Adviser: Ms Victoria Simpson (Monitoring Officer/Lawyer to the Council)
- Sussex Police:  
Chief Inspector Biglands, Sergeant Vokins and Mr Scott Stemp (Barrister)
- Interested Parties:  
Councillor Steve Wallis, Mr Stuart Lear, Mr John Pattenden, Mr Marco Giorgi, and Mr Dave Hopkins
- Decision made:
- That the variations listed in sections 1 – 7 of part 3 of the application be refused.
  - That the variations listed in the following sections of the application, be approved (where relevant, as amended during the hearing):
    8. To replace the current CCTV wording under Annex 3 with the wording provided in Section M(b) of the operating schedule.
    9. To add an additional hour to all current licensable activities on the day that British Summer Time commences, in order to preserve the timings stated on the premises licence;
    10. To remove condition (xvii) at Annex 3 which relates to the

capacity figures for the premises.

11. To extend the licensable area to incorporate the tea rooms and burger kiosk (as indicated on the plans submitted with the application). The tea rooms are permitted to open until midnight in accordance with their current opening hours and to host up to 20 events per year.

12. To add an additional hour to the current premises licence for Sunday only on ALL the bank holiday weekends, excluding Easter Sunday.

Reasons for Decision: The Sub-Committee has refused the variations listed in sections 1-7 of part 3 of the application and granted sections 8-12 as amended during the hearing having given due weight to the evidence placed before it. It considered the application in light of guidance made under the Licensing Act 2003, the licensing objectives, the Council's Cumulative Impact Policy, Statement of Licensing Policy and Section 182 Guidance issued by the Department of Culture Media and Sport.

The Sub-Committee were however not satisfied that adequate evidence had been produced by the applicant to demonstrate that those variations applied for and not granted would not add to the cumulative impact and the challenges already being experienced in the area. It was of the view that granting the variations would undermine the promotion of the licensing objectives, in particular those relating to the prevention of crime and disorder and the prevention of public nuisance.

The Sub Committee were of the view that the applicant had failed to rebut the presumption against the granting of the application created by the Council's Cumulative Impact Policy and sections 1-7 of the application should be refused.

The conditions added to sections 8-12 following amendments made during the hearing were necessary to promote the licensing objectives.

In reaching their decision, the Sub-Committee took into account all the representations that were made. Particular regard was given to the evidence of interested parties in the locality and to the representations made by Sussex Police. Careful consideration was given to the applicant's proposals as outlined in the application and the other evidence submitted, in particular the dispersal policy. Consideration was also given to the representations and proposals from 720 Taxis and the University of Brighton Student's Union.

The Sub-Committee did not attach any weight to any evidence that was not relevant to the licensing application.

Date of Decision: 22 October 2013

Date decision notice issued: 30 October 2013

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, they must do so to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.