

Licensing Act Sub-Committee - Record of Hearing held on Wednesday 27 April 2011 at 6.00pm

MEMBERS: Councillor SZANTO (Chairman); Councillors BELSEY and PURCHASE.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence – Piano Bar & Restaurant, 85-87 South Street.

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

The Licensing Manager outlined the report regarding the application for a new premises licence for the Piano Bar & Restaurant.

The Sub-Committee was advised that Sussex Police and Environmental Health raised no objections to the application subject to a number of additional conditions being attached to the licence if granted.

Representations in support of the application were made by the applicants, Mr M Payne and Mr S George. Mr George stated that he had worked closely with the Police, Eastbourne Borough Council and the Environmental Health department to ensure that the new premises would not affect or introduce outside noise nuisance with the addition of the conditions detailed within the report. The premises would predominantly be a restaurant, not a bar with no vertical drinking permitted. Mr George stated that he was aware of the issues with the previous owners and gave assurances that he would ensure those problems would not occur again. Mr George spoke of his nine years experience in the trade, managing well run venues with regular training for staff and noise control measures in place. Mr George reassured residents in attendance that he would continue to work with the local community and Police to ensure no issues arose and that the premises was well run and managed at all times.

Mr Payne stated that the early opening times had been requested to offer coffee and breakfasts to customers, reverting to a restaurant in the evening. Mr Payne advised that the pricing structure would be pitched to attract smarter clientele and a dress code would be introduced. Drinks promotions would not be offered at any time.

The Committee considered the statements of the applicants and discussed the outside seating and smoking areas, the policing of the outside seating area and the pricing structure.

Written representations had been received from 5 local residents as detailed in the report.

Mrs Gray addressed the Sub-Committee as a local resident living in the vicinity and raised concerns regarding the car parking and parking at the front of Valentines Court by patrons of the proposed restaurant, and the potential for broken glass and debris in the outside seating area.

Other residents in attendance were satisfied that many of their concerns had been allayed by the conditions proposed by the Police as detailed within the report.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted, 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 application in respect of the Piano Bar and Restaurant, 85-87 South Street be granted as set out in the attached appendix.

The meeting closed at 7.15p.m.

**G Szanto
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 27 April 2011

Premises Licence Holder: The Piano Bar Eastbourne Ltd

Premises: The Piano Bar & Restaurant
85-87 South Street
Eastbourne

Reasons for Hearing: Relevant representations received from interested parties under the prevention of public nuisance licensing objective.

Parties in attendance: Applicant(s): Mr M Payne and Mr S George.

Interested Parties –

Mrs E Gibbs, Mrs B Greening and Mrs Gray.

Licensing Authority:
Miss K Plympton (Licensing Manager) and Mr A Couper (Lawyer).

Decision made: To grant the new Premises Licence as follows:

Sale of Alcohol: (on the premises)

Monday – Saturday	09.00 – 01.00 hours
Sunday	09.00 – 00.00 hours

Regulated Entertainment: (indoors only)

Live music:

Monday – Saturday	12.00 – 01.00 hours
Sunday	12.00 – 00.00 hours

Recorded music:

Monday – Saturday	09.00 – 01.00 hours
Sunday	10.00 – 00.00 hours

Late night refreshment:

Monday – Saturday	23.00 – 01.00 hours
Sunday	23.00 – 00.00 hours

Open to the Public:

Monday – Saturday	09.00 – 01.30 hours
Sunday	09.00 – 00.30 hours

Subject to the following conditions:

- i) Seating for no less than 60 persons shall be provided and retained in the premises when premises are open.
- ii) All customers to be seated and served at their table by way of waitress/waiter only.
- iii) No vertical drinking areas shall be permitted in the Premises at any time.
- iv) Substantial food shall be available at all times the premises is open.
- v) All staff employed by the company will be given detailed training in order to meet the high standards of service required at these premises and to ensure that every member of staff fully understands their respective obligations and duties under the Licensing Act 2003. A staff manual will be maintained, updated as necessary, kept on the premises and made available for inspection by Police/Local Authority Licensing Officer on request.
- vi) A minimum of 8 internal Close Circuit Television (CCTV) cameras will be installed to Sussex Police standards and will be operational 24 hours a day. All recordings will be retained for a minimum of 31 days and made available on request to Sussex Police and/or Local Authority officers. Sufficient staff to be trained in the use of CCTV including providing images when requested, and all images to be of an identification standard; the correct time and date to be displayed and altered accordingly to take account of British Summer Time and Greenwich Mean Time.
- vii) An incident book is to be kept at the premises, all incidents occurring at the premises to be recorded therein and the book to be made available for inspection by Police/Local Authority Officer on request.
- viii) Any music played in the premises should be at background level, this being that a conversation can take place in the premises without voices being raised.
- ix) The external seating area shall be closed for use after 11.00pm and no more than eight people to use the area at any one time.
- x) No drinks promotions at any time.

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 Sussex Police and Environmental Health and which had been

accepted by the applicant.

The conditions imposed were considered necessary to meet the objectives of preventing public nuisance and crime and disorder.

Date of Decision: 27 April 2011

Date decision notice issued: 11 May 2011

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.