

Licensing Act Sub-Committee - Record of Hearing held on Wednesday 5 October 2011 at 6.00pm

MEMBERS: Councillor THOMPSON (Chairman); Councillors UNGAR and WARNER.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence – All Saints Chapel, Darley Road.

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 All Saints Chapel, Darley Road.

The Licensing Manager advised that following a mediation meeting held on 14 September 2011 the applicant had agreed to conditions being attached to the licence if granted to address some of the concerns raised by local residents. Reference was made to an incident which had occurred at the premises the previous weekend following a wedding reception and that the applicant would be asked to address the Sub-Committee on the circumstances.

Written representations had been received from 8 local residents in the vicinity as detailed in the report.

Dr Haydon addressed the Sub-Committee and raised concerns regarding noise and disturbance to residents from regulated entertainment and customers leaving events, the proposed sale of alcohol until 10.30pm and increased parking along Darley Road. He welcomed the conditions proposed, but stated that a terminal hour for the sale of alcohol of 9.00pm would be preferred. Mr Withers and Mr Williamson made reference to the ownership of the chapel and whether the Council was involved in the venture.

The legal adviser to the Sub-Committee reported that a section 106 agreement had placed certain obligations on the use of the chapel. It was confirmed that the Council had no involvement with the running of the chapel.

Representations in support of the application were made by the applicants, Mr and Mrs Bird. The Sub-Committee was advised that the venue had been marketed to community groups, churches and schools, but no group had come forward. The building was owned by Barclay Homes and had been leased to the applicants. The application was sought to regulate the activities which were currently taking place under temporary event notices. A parking and traffic study had been undertaken following the issues raised and additional parking for events had been secured at St Andrew's School.

To raise funds for essential maintenance to the roof and the organ, the venue would be marketed for weddings and other commercial events. It was not the intention to turn the venue into a pub or nightclub and the venue would be used for a wide variety of events including classical and popular music, art exhibitions and events for charities and local groups. He referred to the wedding reception on Saturday evening and that some noise and disturbance had occurred from people waiting outside for transport.

Mr Bird offered as a condition a requirement for customers to remain on the premises until transport arrived using a preferred taxi firm. In order to control the consumption of alcohol it was proposed that as a condition of the licence only the Designated Premises Supervisor and staff would be permitted to sell alcohol. A reduction in the terminal hour for the sale of alcohol to 10.00pm was also offered. With regard to the concerns raised regarding noise nuisance from regulated entertainment, a noise meter was used to monitor noise both inside and outside the premises. He confirmed that no complaints had been received over the 18 months that events had been run at the chapel.

Mr Williamson restated his objections and referred to the first wedding reception held at the chapel and the noise and disturbance which had occurred. He remained concerned that some events would cause noise and disturbance in this mainly residential area.

Written representations in support of the application had been received from Mr and Mrs Worsley and Councillor N Goodyear.

Mrs Worsley addressed the Sub-Committee as a resident living next door to the chapel and stated that she had every confidence in the applicants to run events successfully and without disturbance to local residents. Councillor Goodyear raised some concerns regarding the noise and disturbance caused to residents during the event on Saturday but made reference to the high quality events held and proposed in the future and welcomed the measures put forward by the applicants to alleviate residents' concerns.

The Sub-Committee acknowledged and took into account the letters of representation submitted from interested parties who were not present at the hearing.

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 all Saints Chapel, Darley Road be granted as set out in the attached appendix.

The meeting closed at 7.30p.m.

**M Thompson
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 5 October 2011

- Premises Licence Holder:
Premises: Mr M Bird & Mrs C Bird
All Saints Chapel
Darley Road
Eastbourne
- Reasons for Hearing: Relevant representations received from interested parties under the prevention of public nuisance and crime and disorder licensing objectives.
- Parties in attendance: Applicants: Mr M Bird and Mrs C Bird.
Interested Parties –
Mr & Mrs Hendry, Dr A J Haydon, Mr J Withers, Mr B Williamson, Mrs J Worlsey and Councillor N Goodyear.
Licensing Authority:
Miss K Plympton (Licensing Manager) and Mr G Johnson (Regulatory and Litigation Lawyer).
- Decision made: To grant the new Premises Licence as follows:
Sale of Alcohol: (on and off the premises)
Monday – Sunday 11.00 – 22.00 hours
Regulated Entertainment: (indoors only)
Plays, films, live and recorded music, performance of dance and anything of a similar description, provision of facilities for making music & dancing. Anything of a similar description.
Monday - Sunday 10.00 – 23.00 hours
Open to the Public:
Monday – Sunday 08.00 – 23.00 hours
- Subject to the following conditions:
- i) All windows and doors will be kept shut, save for access and egress.
 - ii) Save for live music, all forms of regulated entertainment shall be played through a sound limiting device, set at a level agreed with the Council's Health and Environment

- Noise Team Lead Officer.
- iii) Notices asking patrons to leave the premises quietly and respect nearby residences shall be displayed prominently throughout the licensed site.
 - iv) The external area shall not be used for any licensable activities between the hours of 21.00 hours – 08.00 hours.
 - v) The sale and supply of alcohol shall only be carried out by the Designated Premises Supervisor or his/her authorised staff.
 - vi) Customers requiring and waiting for transport shall remain on the premises until notified that their transport has arrived.

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 additional conditions which had been accepted by the applicant.

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

Date of Decision: 5 October 2011

Date decision notice issued: 7 October 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.