



Licensing Act Sub-Committee - Record of Hearing held on Monday 22 August 2005 at 10.30am

MEMBERS: Councillor TAYLOR (Chairman); Councillors HERBERT and SKILTON.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for The Counting House, Star Road.

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

The Licensing Manager outlined the report detailing the application from Pleasure Limited for the conversion and variation of a premises licence in respect of the above premises.

Representations in support of the application were made by the applicant's representative, M N Griffin. Mr Griffin had offered a number of conditions as follows:

- Live music to cease at 23.00
- The garden will not be used after 23.15
- All bottles and containers leaving the premises as off sales will be sold sealed.
- Bottling up into recycle bins does not occur after 23.00
- All windows and doors to be shut after 23.30
- Display of signage requesting customers to respect neighbours when leaving the premises and whilst sitting outside and stating the closing time of the garden.

The following further conditions were proposed at the meeting:

- The use of a door supervisor on the 12 event days requested.
- Any beverages served after 23.30 shall be served in shatterproof containers.

Written representations had been received from a number of local residents. Mrs B Bowering, Mr M Daniels, Mrs C Jelly, Mr J Edgerton and Mrs M Taylor addressed the Sub-Committee regarding the noise nuisance associated with noise and music from the premises and from customers using the beer garden and when leaving the premises. The premises were in a mainly residential area and the late night activity had a detrimental effect on residents living in

the vicinity. Concerns were also expressed regarding anti social behaviour and of glasses and bottles being discarded in the area. Comment was made that the proposed hours for the doors and windows to be closed was too late.

Mr Fenton, Environmental Health addressed the Sub-Committee and requested a condition requiring a closing time for the outdoor areas to minimise the disturbance to residents. It was noted that complaints of noise from customers leaving the premises was outside the remit of the Environmental Protection Act.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted and further evidence presented at the meeting, 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 variation application in respect of The Counting House, Star Road, be granted as set out in the attached appendix.

The meeting closed at 12.46 p.m.

**B Taylor
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 22 August 2005

- Applicant: Pleasure Limited
- Premises: The Counting House
Star Road
Eastbourne
BN21 1NB
- Reasons for Hearing: Relevant representations received from 7 interested parties in connection with the licensing objectives as follows:
- Noise and disturbance from music inside the premises and from customers using the garden and when leaving the premises.
 - The disposal of glasses and beer bottles by customers in the surrounding area.
 - Drunkenness and anti-social behaviour
- Responsible Authorities - Environmental Health - (representations withdrawn subject to conditions).
- Parties in attendance: For the applicant – Mr N Griffin
Responsible Authorities (Environmental Health) – Mr R Fenton
Interested Parties – Mr J Edgerton, Mrs M Taylor, Mrs C Jelly, Mr M Daniels, Mr and Mrs A Bowering.
- Decision made: To grant the variation of the Premises Licence as follows:
- (1)** To remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933.
- (2)** Standard hours:
- Sale of Alcohol:
- | | |
|--------------------|---------------|
| Monday to Thursday | 10.00 – 23.00 |
| Friday to Saturday | 10.00 – 00.00 |
| Sunday | 10.00 – 23.00 |
- Regulated Entertainment:
- Indoor sporting events/recorded music and anything of a similar description/video entertainment and amusement machines.
- | | |
|--------------------|---------------|
| Monday to Thursday | 10.00 – 23.00 |
| Friday to Saturday | 10.00 – 00.00 |

Sunday 10.00 – 23.00

Live music:

Monday to Sunday 10.00 – 23.00

Provision of facilities for making music - finish time to match hours open to the public as below.

Late night refreshment:

Finish time to match hours open to the public as below.

Open to the Public:

Monday to Thursday 10.00 – 23.30

Friday to Saturday 10.00 – 00.30

Sunday 10.00 – 23.30

(3) Non-standard hours:

Finish time to be extended for opening hours, sale of alcohol, late night refreshment and regulated entertainment (with the exception of live music which will remain as per the hours stated above) as follows:

(a) 10:00 on New Year's Eve (31 December) through until 23:00 on New Year's Day (1 January)*.

* Continuous opening being permitted in any event between 23:00 on New Year's Eve and 11:00 on New Year's Day pursuant to the Regulatory Reform (Special Occasions Licensing) Order 2002.

(b) 10.00 – 00.00 the following morning on Friday, Saturday and Sunday on Bank Holiday weekends.
Bank Holiday Monday's – 10.00 - 23.00.

(c) 10.00 – 00.00 - Christmas Eve and Boxing Day.

(d) On twelve occasions during a 12-month period at the discretion of the licensee – 10.00 – 00.00.

Subject to the following conditions (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):

- i) That all windows and doors are kept shut, save for ingress and egress, whenever live music is played.
- ii) A Security Industry Authority registered Door Supervisor shall be employed and on duty at the premises from 20.00 until closing time on the occasions of the 12 event days.
- iii) Any beverages served after 23.00 shall be served in shatterproof containers.
- iv) All bottles/containers sold as off sales shall be in sealed

- containers.
- v) Notices shall be displayed in prominent positions at the premises asking customers to respect the needs of local residents when leaving the premises and whilst using the garden area and stating the closing times for use of the garden.
 - vi) Bottle bins shall not be emptied between 23.00 and 07.00.
 - vii) No outside area at the premises shall be used after 23.20 and before 10.00.

Reasons for Decision: The Sub-Committee has granted the application and variation of a 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.

Having considered the evidence before it, the Sub-Committee was minded to impose conditions upon the applicant's request for extended opening hours, regulated entertainment and the sale of alcohol. The reason for this is that the Sub-Committee has weighed up the applicant's submissions alongside the representations made by those interested parties as persons living in the vicinity of the premises and the Sub-Committee considers conditions to be necessary in order to meet the objectives of preventing crime and disorder and of preventing public nuisance.

Date of Decision: 22 August 2005

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.