



Licensing Act Sub-Committee - Record of Hearing held on Monday 3 October 2005 at 10.30am

MEMBERS: Councillor Mrs MURRAY (Chairman); Councillors BOWKER and MARSH.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for Eastbourne Saffrons Sport Club.

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 Eastbourne Saffrons Sports Club for the conversion and variation of a premises licence. It was reported that the application related to the existing premises and not the proposed new clubhouse, which had recently been granted planning permission.

Representations in support of the application were made by the applicant's representatives, Mr A Price and Mr D Cummings. Mr Price advised the Sub-Committee that the hours sought for the sale of alcohol and regulated entertainment was 00.30 and not 01.00 as detailed in the application. He stated that no complaints had been received by the club from local residents and made reference to two of the residents' blocks which had made representations being located a quarter of a mile away from the club. A sound limiter had been installed and doors and windows remained closed as the premises had air conditioning. A door supervisor was employed on 18th and 21st birthday parties.

Mr Williams addressed the Sub-Committee on behalf of residents of Linkwood and expressed concern regarding the disturbance to residents that could arise from the extended operating hours from music and cars departing late at night.

Mr Fuller spoke on behalf of residents of Compton Lodge and acknowledged that although noise nuisance was not an issue at present, concerns were raised regarding the disturbance to residents if music and the sale of alcohol to the hours sought was permitted. Mr Andrews on behalf of residents of Saffrons Court objected to the extension and that an increase in late night activity would cause disturbance to residents and could lead to an increase in anti social behaviour.

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 Eastbourne Saffrons Sports Club, Compton Place Road, be granted as set out in the attached appendix A.

3 Application for Conversion and Variation of a Premises Licence for the Dolphin, 14 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 detailing the application from Maria Gates for the conversion and variation of a premises licence in respect of The Dolphin.

Mr R Fenton, Environmental Health had made written representations as a responsible authority under the prevention of public nuisance objective. Many complaints had been received from local residents regarding the noise from live music, karaoke and the jukebox and as a result the Public Entertainment Licence had not been renewed. It was requested that live music be prohibited until it could be demonstrated that it could take place without causing unreasonable disturbance to nearby residential properties. It was recommended that an acoustic report be carried out to identify necessary works needed to ensure adequate sound insulation. The Dolphin had been advised of the complaints received and Mr Fenton expressed his disappointment with the response that was received from the Licensee.

The applicant's representative, Mr Llewellyn made representations in support of the application. He advised on measures to eliminate noise nuisance including the double-glazing of the windows at the rear and the front and rear doors. A double glazed door to the bar was also proposed. The timescale for the completion of the works was 7 weeks. The patio at the rear would be vacated at 22.30 and windows and doors would be kept shut during entertainment. The applicant also agreed to a noise assessment and acoustic report and advised that CCTV would be installed before the 2nd appointed day. Entertainment was proposed twice weekly with the majority of events being held during the weekend. He advised that the freeholder of the premises was responsible for the maintenance of the property and that problems in the area could not be associated solely with the operation of the premises.

Written representations had been received from a number of local residents as detailed in the Licensing Manager's report.

Mr R Gee addressed the Sub-Committee on behalf of residents of Gloucester Mews and made reference to the considerable number of formal complaints made to Environmental Health on noise and public nuisance grounds. He identified the problems currently experienced from loud music from the jukebox, noise from customers using the back yard and the disturbance

created from general rowdiness as customers left the premises. Complaints had also been previously made regarding the rubbish left in the car park and the surrounding area. Concern was expressed regarding the management of the premises and the criminal damage, which the premises had suffered and which had not been repaired. It was stated that the area surrounding the Dolphin was unsafe and because of this some residents would not go out during the evening.

Mrs V Peters advised the Sub-Committee that she had made previous complaints regarding the volume of the jukebox and that an extension of hours was inappropriate in a residential area. Mr C Fisher addressed the Sub-Committee on behalf of local residents and expressed concern at the current noise nuisance and disturbance to residents who lived in close proximity to the premises, from cars and loud music.

Reference was made to the hours granted in respect of an unrelated application from another premises in the locality. The legal advisor advised that each application must be considered on its merits and that applications in respect of other premises not being relevant; she also advised that care needed to be taken so as to ensure that only those representations relevant to the licensing objectives were taken into account by the Sub-Committee when making its determination.

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 Dolphin, 14 South Street, be granted as set out in the attached appendix B.

4 Application for Conversion and Variation of a Premises Licence for Eastbourne Pier, Grand Parade.

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 Leisure Parcs Limited for the conversion and variation of a premises licence in respect of Eastbourne Pier.

The applicant's representatives Mr G Russell and Mr G Sanderson made representations in support of the application.

Mr Russell advised the Sub-Committee of the measures in place and conditions proposed to alleviate the concerns of residents in the area. This included the provision of more door supervisors to aid dispersal of customers, noise limiters and regular perimeter noise checks, a bar on admitting customers from one hour before closing time and preventing the removal of bottles and glasses from the premises. Notices would be displayed requesting customers to leave quietly and it was noted that CCTV was fully operational at the premises. It was stated that Sussex Police had

made no representations in respect of the application and it was questioned whether evidence existed to link the Pier with the problems experienced by residents. The hours sought would aid the dispersal of customers and it was not the intention to open to until 05.00 everyday, but mainly Wednesday to Saturday.

Written representations had been received from local residents living in the vicinity and local businesses operating in the vicinity. The legal advisor drew the Sub-Committee's attention to paragraph 5.33 of the guidance made under S182 of the Licensing Act 2003, which she read out. This gave guidance regarding how licensing authorities should determine the matter of whether a person resides "in the vicinity of" the licensed premises, this being of relevance to the question of whether the individual might properly be deemed to be an interested party for the purposes of the application. The Sub-Committee indicated that it would hear representations from those persons seeking to appear as interested parties and that when stating its decision, the Sub-Committee would indicate what its determination of the vicinity had been, as a matter of fact, in so far as this application was concerned.

Councillor Mrs Healy addressed the Sub-Committee on behalf of local residents in Elms Avenue and expressed concern about the ongoing problems residents experienced in relation to noise nuisance and anti social behaviour and the many complaints that had been made. Reference was made to the hotels, guesthouses and coach companies who had made representations regarding the affect on guests from noise and drunken behaviour and the impact an extension to the hours sought would have on tourism. Of particular concern was the proposal to provide late night refreshment until 05.00, which would attract more people to the area. She expressed concern that Sussex Police and Environmental Health had not made representations given the history of problems suffered by local residents in the area.

Mrs A Stockley stated that she operated several tourist businesses in the area, and that guests had left and business had been lost as a direct result of the loud disco music from the premises, as people had been unable to sleep in the front bedrooms. The noise and disturbance continued for at least an hour after the premises closed due to rowdy customers leaving and congregating on the seafront and beach.

Mr J Dullaway stated that the front bedrooms of his hotel were unusable due to the noise created from customers leaving the Pier. This, together with the fighting that had been witnessed, had affected the business of the hotel. Mr A Hemsley referred to the disturbance caused to his guests from both music and customers making their way home.

Mr S Lear raised concerns regarding the increase in noise and anti social behaviour since he moved to his current address in 2003. Residents of Elms Avenue had suffered criminal damage to their property and had been subject to verbal abuse. He expressed surprise that the Police and Environmental Health had not raised any concerns given the number of complaints that had been made to them. Ms V Domsalla, who also resided in Elms Avenue, stated that she was often woken in the early hours by shouting and drunken behaviour and had suffered damage to her property. Mr Rebello addressed the

Sub-Committee on behalf of Mrs S Goddard and referred to the damage caused to cars and property and that he had witnessed problems caused by Pier customers. It was stated that CCTV did not cover Elms Avenue and any extension would create further noise and disturbance.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted, including those from the interested parties not present 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. Further, an indication was given that in reaching its decision, the Sub-Committee had determined the vicinity of the premises to include Elms Avenue, Marine Parade, Grand Parade and Cavendish Place (joining Seaside Road).

RESOLVED: That the variation application in respect of Eastbourne Pier, Grande Parade, be granted as set out in the attached appendix C.

The meeting closed at 2.40p.m.

**Mrs A Murray
Chairman**

APPENDIX A

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 3 October 2005

Applicant: Eastbourne Saffrons Sports Club

Premises: Eastbourne Saffrons Sports Club
Compton Place Road
Eastbourne
BN21 1EA

Reasons for Hearing: Relevant representations received from interested parties and responsible authorities in connection with the licensing objectives concerning noise and disturbance.

Parties in attendance: For the applicant – Mr A Price and Mr D Cumming
Interested Parties – Mr Williams, Mr Fuller and Mr D Andrews

Decision made: To grant the variation of the Premises Licence as follows:

(1) Standard hours:

Sale of Alcohol:

Monday to Sunday 10.00 – 00.30

Regulated Entertainment:

Films/Indoor sporting events/live and recorded music/performances of dance and provision of facilities for dancing:

Monday to Sunday 10.00 – 00.30

Late night refreshment:

From 23.00 until the latest hour permitted for the sale of alcohol.

Open to the Public:

Every day of the week from 09.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(2) Non-standard hours:

12 event days of which the Police have had at least 7 days written notice and over which they have an absolute veto.

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

- i) All forms of music played in the premises shall be played through a noise limiter device, set at a level agreed by the Licensee and the Environmental Health Manager, Eastbourne Borough Council.
- ii) Windows and doors at the premises shall be kept shut after 22.00 save for access and egress.
- iii) The outside area of the premises shall not be used for any purpose after 22.00.
- iv) Between the hours of 20.00 and the closing time of the premises, a Security Industry Authority registered Door Supervisor shall be employed on the occasions of 18th and 21st Birthday parties and stag and hen nights.

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.

In order to meet the objective of preventing public nuisance conditions are imposed to minimise disturbance to residents in the vicinity in relation to noise from regulated entertainment and customers.

Date of Decision: 3 October 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.

APPENDIX B

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 3 October 2005

Applicant: Maria Alice Gates

Premises: The Dolphin
14 South Street
Eastbourne
BN21 4XF

Reasons for Hearing: Relevant representations received from interested parties in connection with the licensing objectives concerning noise and disturbance, public nuisance and the prevention of crime and disorder.

Parties in attendance: For the applicant – Ms M Gates, Mr D Gates and Mr T Llewellyn
Responsible Authorities – Mr R Fenton (Environmental Health)
Interested Parties – Mr R Gee, Mrs V Peters and Mr C Fisher

Decision made: To grant the variation of the Premises Licence as follows:

(1) Standard hours:

Sale of Alcohol:

Monday to Thursday	10.00 – 23.00
Friday to Saturday	10.00 – 00.00
Sunday	11.00 – 23.00

Regulated Entertainment:

Films/Indoor sporting events/recorded music/provision of facilities for dancing:

Monday to Thursday	10.00 – 23.00
Friday to Saturday	10.00 – 00.00
Sunday	11.00 – 23.00

Live music and the provision of facilities for making music shall cease at 23.00.

Open to the Public:

Every day of the week from 10.00 (11.00 on Sundays) to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(2) Non-standard hours:

Finish time to be extended for sale of alcohol and regulated entertainment on all Bank Holidays from 10.00 to 00.00.

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

- i) Live music shall not be permitted until an acoustic report is commissioned from a professionally accredited consultant and its recommendations acted upon to the satisfaction of the Environmental Health Manager, Eastbourne Borough Council.
- ii) Live music shall cease at 23.00.
- iii) The outside area shall not be used after 22.30.
- iv) Windows and doors at the premises shall be kept shut after 20.00 until the premises closes and whenever live music is played, save for access and egress.
- v) All forms of music played in the premises shall be put through a noise limiter device, set a level agreed with the Licensee and the Environmental Health Manager, Eastbourne Borough Council.
- vi) Bottles shall not be emptied into a re-cycling skip between the hours of 22.00 and 08.00 the following day.

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 public nuisance.

Date of Decision: 3 October 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.

APPENDIX C

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 3 October 2005

- Applicant: Leisure Parcs Limited
- Premises: Eastbourne Pier
Grand Parade
Eastbourne
BN21 3EL
- Reasons for Hearing: Relevant representations received from interested parties in connection with the licensing objectives concerning noise and disturbance, public nuisance and the prevention of crime and disorder.
- Parties in attendance: For the applicant – Mr G Russell and Mr G Sanderson
Interested Parties – Councillor Mrs B Healy, Mr S Lear, Mr Rebello (on behalf of S Goddard), Mr A Hemsley, Mr J Dullaway, Ms A Stockley and Ms V Domsalla.
- Decision made: To grant the variation of the Premises Licence as follows:

Standard hours:

Sale of Alcohol:

Monday to Thursday	11.00 – 02.00
Friday to Saturday	11.00 – 03.00
Sunday	11.00 – 02.00

Regulated Entertainment:

Live music:

Monday to Sunday	10.00 – 02.00
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Recorded music/provision of facilities for dancing, performances of dance and anything of a similar description:

Monday to Thursday	10.00 – 02.30
Friday to Saturday	10.00 – 03.30
Sunday	10.00 – 02.30

Late night refreshment:

From 23.00 until the latest hour permitted for the sale of alcohol.

Open to the Public:

Every day of the week from 07.00 to thirty minutes after the

latest hour permitted for the sale of alcohol to allow for "drinking up" time.

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

- vii) Between the hours of 22.00 and the closing time of the premises, one Security Industry Authority registered Door Supervisor shall be provided for every 100 customers or part thereof and two additional Door Supervisors to be retained.
- viii) At least two Security Industry Authority registered Door Supervisors will be placed at the entrance to Eastbourne Pier. All Door Supervisors will be Security Industry Authority Registered and will be clearly identified as Door Supervisors/Security Supervisors.
- ix) The Security Industry Authority Door Supervisors shall assist in minimising noise from customers and managing customers entering and leaving the premises and those remaining in the vicinity of the premises. Customers will also be discouraged from congregating in the vicinity of the premises.
- x) The CCTV system shall be fully operational whilst the premises is open to the public, be regularly serviced and maintained to the specification required by Sussex Police. It shall be stored and operated in a secure environment with limited access to avoid damage, theft, unauthorised viewing and maintaining the integrity of the system. A record shall be kept of any access made to information held on the system. Tapes shall be changed daily and kept for 31 days before being re-used. Tapes should be replaced after 12 uses (i.e annually).
- xi) All the time the premises are open, provision will be made for there to be someone on the premises to provide access to the CCTV system to the Police and that person shall be able to operate the licence.
- xii) The operators of the CCTV equipment will receive training from the installer when the equipment is installed and this is carried down to new members of staff. There will be a simple Operators manual available to assist in the replacing and exporting of data.
- xiii) No customers shall be admitted or re-admitted to the premises from one hour before closing time, this to apply even when the premises closes earlier than the permitted licensing hours or licence conditions allow.
- xiv) Non-alcoholic drinks and free tap water will be available until closing time.
- xv) Prior to closing the premises, a minimum of 30 minutes wind down period shall operate, during which no alcohol shall be consumed.
- xvi) The Licensee shall remain an active member of Night

Watch and Pub Watch and will follow any guidance recommended. The Licensee will keep a database of barred customers.

- xvii) The premises shall continue to operate a radio link scheme between its Security Personnel/Security Industry Authority Door Supervisors and Night Watch.
- xviii) A preferred taxi supplier will be engaged and a free public intercom will be provided in the entrance mall of the premises for use by customers.
- xix) The taxi supplier will be advised that all drivers should ensure they arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.
- xx) Notices will be displayed at exit points advising customers to leave quickly and quietly and if a Disc Jockey is engaged, an announcement will also be made advising customers to leave the premises quietly.
- xxi) All beverages served in the Atlantis Night Club shall be served in toughened glass.
- xxii) Customers shall not be permitted to take bottles or glasses from the premises or to bring alcohol onto the premises.
- xxiii) The Occupant capacity for the premises shall not exceed that as stated in the Public Entertainment Licence – Bar Copa 300 persons, The Waterfront 160 persons, Atlantis 870 persons.
- xxiv) All forms of music played in the premises shall be put through a noise limiter device, set a level agreed with the Licensee and the Environmental Health Manager, Eastbourne Borough Council or their nominee.
- xxv) Regular perimeter listening checks shall be undertaken to ensure that customers from the premises do not cause undue disturbance in the vicinity.

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 deemed by the Sub-Committee as persons living in the vicinity of the premises and considers conditions to be necessary in order to meet the objectives of preventing crime and disorder and public nuisance and for public safety.

Date of Decision: 3 October 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.