

Licensing Act Sub-Committee - Record of Hearing held on Wednesday 25 January 2006 at 4.30pm

MEMBERS: Councillor Taylor (Chairman); Councillors Mrs SIMS and STEVENS.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence for Rother Grill, 131 Seaside.

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 Mr A Yalcin for a new premises licence in respect of Rother Grill to operate as a late night take-away. The Sub-Committee was advised that the times set out in the report were not as detailed in the original application but accurately reflected the times advertised in the press and on the premises site notice.

The applicant, Mr Yalcin made representations in support of the application. He stated that the later hours were sought to reflect the later trading hours of pubs and other takeaways in the area. A trial period of opening until 3.00am had not proved viable as customers were used to opening hours until 1.00am. The Licensing Manager advised the Sub-Committee that following a visit to the premises during the weekend of 26/27 November 2005, a written warning had been issued for trading beyond the permitted hours of 11.00pm.

Mr Yalcin advised the Sub-Committee that any problems caused by youths congregating in the area were a matter for the police and could not be directly associated with his premises. The shop was solely a takeaway and provided no seating or amusement facilities for customers. With reference to the noise created in flat 1 when the chiller door was closed, which had been identified by Environmental Health as a problem and which he had witnessed during a visit, he offered to seek further advice regarding any improvements which could be made to lessen the impact. He stated that staff began clearing up straight after closing time.

Written representations had been received from an interested party as detailed in the Licensing Manager's report.

Mr Scrivener addressed the Sub-Committee on behalf of his mother who lived in flat 1 above the premises and raised objections to the later hours on the grounds of noise and disturbance currently experienced by his mother. This related particularly to noise created from slamming the chiller door and when rubbish was disposed of. The activity in the store continued for some hours after the premises were closed and he was concerned that an

extension to the existing hours would cause further disturbance to his mother who had suffered stress and ill health as a result. A complaint had been made to Environmental Health in March 2003 due to excessive noise. Concerns were also raised regarding anti social behaviour in the area and the problem of young people congregating near the shop.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted and the 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 new premises licence application in respect of the Rother Grill, 131 Seaside be refused on the grounds as set out in the attached appendix.

The meeting closed at 6.00 p.m.

B E Taylor
Chairman

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 25 January 2006

Applicant:	Mr A Yalcin
Premises:	Rother Grill 131 Seaside Eastbourne BN22 7NN
Reasons for Hearing:	Relevant representations received from an interested party in connection with the licensing objectives concerning noise and disturbance.
Parties in attendance:	Applicant – Mr A Yalcin Interested Parties – Mr T Scrivener
Decision made:	That the application be refused on the following grounds:
Reasons for Decision:	The Sub Committee has refused the application for a new Premises Licence 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 reason for the decision is that the Sub-Committee considers that a regular extension of hours would lead to disturbance to the resident living above the premises and would not meet the licensing objective of preventing public

nuisance.

Date of Decision: 25 January 2006

Date decision notice issued: 31 January 2006

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.