



Licensing Act Sub-Committee - Record of Hearing held on Monday 5 September 2005 at 6.00pm

MEMBERS: Councillor Mrs MURRAY (Chairman); Councillors Mrs POOLEY and SKILTON.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for The Lamb, 36 High 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 Harvey & Son (Lewes) Ltd 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, Mr H Elder (Joint Managing Director).

He advised the Sub-Committee that it was not the intention to open the premises until the requested hours on all occasions, but was primarily to enable functions to be held. Signs were displayed asking clients for their consideration when leaving the premises. A condition of the Public Entertainment Licence required windows and doors of the function room to remain shut and the use of a noise limited. He confirmed that no complaints had been reported regarding noise nuisance from the premises.

Written representations had been received from a number of local residents. Mr and Mrs A Bowering and Mr J Edgerton addressed the Sub-Committee regarding the residential location of the premises and the number of public houses in the area, noise nuisance associated with customers leaving premises in the area, an increase in anti social behaviour and the effect of late night activity on residents living in the vicinity. Mrs Bowering also made representations on behalf of Mrs M Taylor regarding incidents of vandalism and anti social behaviour in the locality and the potential for further noise nuisance if the extended hours were permitted.

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

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 Lamb, 36 High Street, be granted as set out in the attached appendix A.

3 Application for Conversion and Variation of a Premises Licence for Mullens, 170 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 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 applicants Ms E Mullens and Mr D Mullens. Ms Mullens stated that the problem elements associated with the premises when it was the White Hart had been rectified and it was now a family run pub. The premises were primarily a live music venue, which had to compete with similar venues in the Town Centre. A number of measures had been put forward to eliminate noise nuisance including improvements to the soundproofing of the side door, keeping windows and doors shut and to undertake a noise assessment. With reference to the side door, which had been identified as the primary cause of concern, discussions had taken place with the Fire Authority who had identified the need for certain modifications to fire exit routes and that an inspection would be required before consent was given for this door to remain closed.

Written representations had been received from a local resident living in the vicinity. Miss S Bowman addressed the Sub-Committee regarding the proposed extension for music and bands to play until 01.30 in what was a mainly residential area, the current noise nuisance associated with live music and the disturbance from customers leaving the premises in the early hours. She opposed permitting live music past midnight and stated that the improvements to the soundproofing had not eliminated the noise nuisance, and that music was still clearly audible in her flat.

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 Mullens, 170 Seaside, be granted as set out in the attached appendix B.

The meeting closed at 7.50p.m.

**Mrs A Murray
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 5 September 2005

- Applicant: Harvey & Son (Lewes) Ltd
- Premises: The Lamb
36 High Street
Old Town
Eastbourne
BN21 1HH
- Reasons for Hearing: Relevant representations received from interested parties in connection with the licensing objectives as follows:
- Noise and disturbance from customers leaving the premises and an increase in anti social behaviour.
- Parties in attendance: For the applicant – Mr H Elder (Joint Managing Director), Mr S Hume (Designated Premises Supervisor)
Interested Parties – Mr & Mrs A Bowering and Mr J Edgerton
- Decision made: To grant the variation of the Premises Licence as follows:
- (1)** Remove all embedded restrictions contained within the Licensing Act 1964 relating to Permitted Hours (save for the permitted hours on New Year's Eve), Credit Sales and Children in Bars.
- (2)** Standard hours:
- Sale of Alcohol:**
- | | |
|--------------------|---------------|
| Monday to Thursday | 10.00 – 23.30 |
| Friday to Saturday | 10.00 – 00.30 |
| Sunday | 10.00 – 23.30 |
- Regulated Entertainment:**
Live music/facilities for dancing (only in the first floor function room at the management's discretion without 14 days notice to the Police).
- | | |
|--------------------|---------------|
| Monday to Thursday | 10.00 – 23.30 |
| Friday to Saturday | 10.00 – 00.30 |
| Sunday | 10.00 – 23.30 |
- Recorded music to match hours open to the public.
- 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 10.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(3) Non-standard hours:

Finish time to be extended for sale of alcohol, late night refreshment and regulated entertainment on all Bank and Public Holidays, which do not precede a working day, up to the terminal hour set for the sale of alcohol on Saturdays at the latest.

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

- i) No new customers shall be admitted to the premises after 23.00 - Monday to Thursday and Sunday and after 00.00 - Friday to Saturday (including Bank and Public Holidays).
- ii) That the windows and doors of the function room are kept shut at all times save for access and egress.

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: 5 September 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.

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 5 September 2005

- Applicants: David Angelo Mullens
Emma Jane Mullens
Pamela Cable
- Premises: Mullens
170 Seaside
Eastbourne
BN22 7QR
- Reasons for Hearing: Relevant representations received from an interested party in connection with the licensing objectives as follows:
- Noise and disturbance from live music inside the premises and from customers leaving the premises.
- Parties in attendance: Applicants – Mr D Mullens and Ms E Mullens
Interested Parties – Miss S Bowman
- Decision made: To grant the variation of the Premises Licence as follows:

(1) Standard hours:

Sale of Alcohol:

Monday to Wednesday	10.00 – 00.30
Thursday to Saturday	10.00 – 02.00
Sunday	12.00 – 00.30

Regulated Entertainment:

Indoor Sporting events (pub games)/film exhibition for music videos and amusement machines/recorded music and anything of a similar description/provision of facilities for dancing and performances of dance:

Monday to Wednesday	06.00 – 01.00
Thursday to Saturday	06.00 – 02.30
Sunday	06.00 – 01.00

Live music and provision of facilities for making music:

Monday to Wednesday	12.00 – 00.00
Thursday to Saturday	12.00 – 01.30
Sunday	12.00 – 00.00

Late night refreshment:

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

Open to the Public:

(Including non-standards hours)

Every day of the week from 06.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

(2) Non-standard hours:

(a) Christmas Eve -

10.00 – 02.00 for sale of alcohol

10.00 – 02.30 – for the provision of regulated entertainment

23.00 – 02.30 for late night refreshment

(b) On 12 event days of which the Police have had at least 7 days written notice and over which they have an absolute veto the following hours shall be permitted:

10.00 – 02.00 for sale of alcohol.

10.00 – 02.30 for the provision of regulated entertainment

(with the exception of live music and the provision of facilities for making music which will maintain the hours stated above).

23.00 – 02.30 for late night refreshment.

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

- i) That the side door of the premises closest to Firle Road shall be kept closed whenever live music is being played, subject to consent being obtained from the Fire Authority before the 2nd Appointed Day (ie 24 November 2005).
- ii) 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.
- iii) That the terms and conditions attached to the current Public Entertainment Licence shall be maintained.

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 objectives of preventing public nuisance conditions are imposed to minimise disturbance to residents in the vicinity in relation to noise occurring from regulated entertainment inside the premises.

Date of Decision: 5 September 2005

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