

Licensing Act Sub-Committee - Record of Hearing held on Tuesday 20 September 2005 at 6.00pm

MEMBERS: Councillor Mrs MURRAY (Chairman); Councillors BELSEY (as substitute for Slater) and Mrs SIMS.

(An apology for absence was reported from Councillor Slater).

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for Strollers, Princes Park, Royal 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 Red Eventful Cuisine Ltd for the conversion and variation of a premises licence in respect of the above premises.

Mr D Hiley addressed the Sub-Committee in support of the application. He advised that the premises currently held between 50-55 functions a year, mainly at the weekends and that it was not the intention to open the premises six nights a week until 01.00.

The current problems at the park relating to noise nuisance, acts of vandalism and the litter caused by glasses and bottles were acknowledged. The premises had also suffered from acts of vandalism, but none were associated with functions held at Strollers. With regard to noise nuisance, no complaints had been received until June of this year, with 2 further complaints received in August. Discussions had been held with Environmental Health regarding the installation of a noise limiter. Organisers of events were advised to keep the music at a reasonable level and close windows and doors. He advised that the premises were not air-conditioned. It was confirmed that the licensee was not always present, but that a manager was on site at events. Qualified door supervisors were used for certain functions, but not for private parties.

Written representations and a petition had been received from local residents living 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. 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 and expressed concern about the current noise nuisance, particularly when functions were taking place. Residents had been tolerant in the past, however the extended hours sought would lead to an increase in problems of noise nuisance from both music during events and people leaving the area in the early hours of the morning. If customers were not monitored when leaving the premises this could lead to additional problems of anti social behaviour. It was recommended that the permitted hours should remain at 23.00.

Mr K Graham stated that noise from the venue carried a long way in all directions when the doors were open. The park already suffered from litter, particularly glasses and bottles. Concerns were also raised regarding the affect on wildlife in the park. It was felt that there were sufficient venues in the Town, which catered for the type of events held at Strollers.

Mr Riddington and Mr and Mrs Archer, from Royal Parade and Redoubt Bowling Club addressed the Sub-Committee on behalf of its Members. The club had suffered extensive damage and vandalism to the grounds and premises, which had cost a considerable amount to be repaired. The club premises were adjacent to Strollers and concern was expressed that granting the licence could only exacerbate the problems. There had been occasions when events at Strollers had resulted in damage to the premises and the greens, which had been trampled and beer bottles left and smashed.

Mr Burrows and Mr Fallows raised concerns regarding noise nuisance associated with customers leaving the premises and making their way home and that an extension to 01.00, six nights a week would increase the disturbance to residents. Mr Sheath stated that his property was opposite Strollers and that although noise could always be heard, it currently finished at a reasonable hour and was mainly during the weekends. He opposed permitting the sale of alcohol until 01.00.

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.

RESOLVED: Unanimously - That the variation application in respect of Strollers, Princes Park, Royal Parade, be granted as set out in the attached appendix. Further, an indication was given that in reaching its decision, the Sub-Committee had determined the vicinity of the premises to include the area bordered by Wartling Road and Channel View Road, and the roads leading directly off those two roads. The Sub-Committee advised that this determination of the vicinity had been arrived at in view of the fact that the premises were located in open grounds and had only two means of exit.

The meeting closed at 8.00 pm

**Mrs A Murray
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Tuesday 20 September 2005

Applicant: Red Eventful Cuisine Ltd

Premises: Strollers
Princes Park
Royal Parade
Eastbourne
BN22 7AE

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

Parties in attendance: For the applicant – Mr D Hiley – General Manager

Interested Parties – Councillor Mrs B Healy, Mr K Graham, Mrs B Archer, Mr A Riddington, Mr R Archer, Mr D Burrows, Mr R Fallows and Mr Sheath.

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

Sale of Alcohol:

Monday to Thursday 11.00 – 23.00
Friday to Saturday 11.00 – 23.30
Sunday (not applicable)

Regulated Entertainment:

Live music/provision of facilities for making music and dancing:

Monday to Thursday 19.00 – 23.00
Friday to Saturday 19.00 – 23.30
Sunday (not applicable)

Recorded music:

To match hours open to the public

Open to the Public:

Monday to Saturday – From 10.00 to thirty minutes after the latest hour permitted for the sale of alcohol to allow for "drinking up" time.

Sunday 10.00 – 18.00

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

- i) No glasses or bottles are to be taken outside the premises.
- ii) All forms of music played at 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 all windows and doors are kept shut after 22.00, save for access and egress whenever live or recorded music is being played.
- iv) A Security Industry Authority registered Door Supervisor shall be employed and on duty at the premises from 20.00 until closing time on Fridays and Saturdays and whenever a function is held.

Reasons for Decision: The Sub-Committee has granted the application and variation of a Premises Licence subject to the conditions 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 had taken a view as to which persons seeking to appear as interested parties it deemed to reside in the vicinity for the purposes of this application; this being deemed to include Wartling Road and Channel View Road, and the roads leading directly off those two roads. The Sub-Committee advised that this determination of the vicinity had been arrived at in view of the fact that the premises were located in open grounds. 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, or representing businesses, 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: 20 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.