

**Body:** Licensing Sub Committee  
**Date:** 5<sup>th</sup> March 2007  
**Subject:** Application For a New Premises Licence For Eastbourne College Field bounded by Grange, Blackwater and Old Wish Roads.  
**Report Of:** Karen Plympton, Licensing Manager  
**Ward(s)**  
**Purpose** To determine a new application under the Licensing Act 2003.  
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## **1.0 Introduction & Background**

- 1.1 An application has been received by Eastbourne College, Marlborough House, Old Wish Road, Eastbourne for a new premises licence, to cover its main sports field bound by the Teaching Campus, Grange, Blackwater and Old Wish Roads.
- 1.2 The application has been sought to allow, on no more than 12 occasions per year, licensable activities in the form of: -
- provision of entertainment,
  - Supply of Alcohol
  - performance of dance,
  - musical entertainment, both live and recorded.
- 1.3 It is intended that the premises licence, if approved, will be used to cater for specific events, offering a range of facilities including staging, marquees and various other temporary structures providing food and drink concessions. a range of on specially erected stage or marquee and the supply of food and alcohol from temporary structures, on the field with an Attendance will not be permitted to exceed audience 4999, and shall be restricted to College students, staff and other guests by ticket or invitation only.
- 1.4 Each event will have a separate Event Management and supporting "event specific" documentation, including site plan, risk assessments and security arrangements, which will be agreed 28 working days prior to the commencement of any event.

## **2.0 The Application**

- 2.1 A new premises licence has been sought for the following activities, on not more than 12 occasions in a year:

Provision of regulated entertainment, comprising of:

### **Section E – Live Music (Both indoor and Outdoor)**

1100 hours – 2359 hours Monday - Sunday

**Section F - Recorded Music (Both indoor and Outdoor)**

1100 hours – 2359 hours Monday - Sunday

**Section G – Performances of Dance**

**(Both indoor and outdoor)**

1100 hours – 2359 hours Monday - Sunday

**Section H – Anything of a similar description to that falling within (e), (f) or (g) (Both indoor and outdoor)**

1100 hours – 2359 hours Monday - Sunday

**Section I – Provision of facilities for making music (Both indoor and outdoor)**

1100 hours – 2359 hours Monday - Sunday

**Section J – Provision of facilities for dancing - (Both indoor and outdoor)**

1100 hours – 2359 hours Monday - Sunday

**Section K – Provision of facilities for entertainment of a similar description to that falling within I or J (both)**

1100 hours – 2359 hours Monday - Sunday

**2.2 Supply of alcohol (both)**

1100 hours – 2359 hours Monday - Sunday

**2.3 Open to the public**

1100 hours – 0030 hours Monday – Sunday

**2.4 Licensing Objections**

When submitting an application for a new licence under the Licensing Act 2003, the applicant is required to describe the additional steps, if any; it intends to take to promote the four Licensing Objectives. The applicants' declaration can be seen on page 9 & 10 of the application form, and within the supporting information supplied. (Appendix A)

**3.0 Consultation Process**

3.1 The Licensing Act 2003 requires applicants to advertise both on the premises and in a local newspaper to inform the public of the application. A number of "Responsible Authorities" are also consulted, allowing a consultation period of 28 days for representations to be made. As a result of the consultation process, representations have been received.

#### **4.0 The Decision Making Process** **The Licensing Objectives**

4.1 In their decision making, the Licensing Committee must act to promote the four Licensing objectives. All carry equal weight as part of the process. The licensing objectives are:

- A) The prevention of crime and disorder
- B) Public safety
- C) The prevention of public nuisance
- D) The protection of children from harm

#### **5.0 Eastbourne Borough Councils Statement of Licensing Policy (Copies previously circulated as reference material to committees. Can also be located at [www.eastbourne.gov.uk/licensing](http://www.eastbourne.gov.uk/licensing).)**

5.1 Whilst each application will be considered on its merits, the Licensing Committee will have due regard for the Eastbourne Borough Council Licensing Statement and the promotion of the 4 Licensing Objectives:

##### **(A) The Prevention Of Crime and Disorder**

Eastbourne Borough Council (EBC) Statement Of Licensing Policy states that the Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

##### **(B) Public Safety**

EBC Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the physical safety of patrons. This might include the imposition of conditions regarding capacity and mechanisms to promote responsible drinking. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

##### **(C) Prevention of Public Nuisance**

EBC Statement Of Licensing Policy states that within the Operating Schedule, applicants will be required to demonstrate how they intend to prevent nuisance arising, disturbance occurring and mechanisms to protect amenities. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

##### **(D) Protection of children from harm**

EBC Statement of Licensing Policy requires that operating plans must specify the measures and management controls in place to protect children from harm. Conditions can be placed to restrict access to children from accessing the premises during certain times or when certain licensable activities are taking

place. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

## **6.0 Representations (Appendix B)**

A full copy of all representations is included in Appendix B, however a summary appears below. All those making representations are entitled to attend the hearing in support of their case.

<p>Interested Parties -</p> <ul style="list-style-type: none"><li>➤ Mr M F Reynolds of Grassington Road, Eastbourne makes a representation as a local resident living in the vicinity. His representations focus on the prevention of public nuisance licensing objective, raising concerns about the number of persons attending the events until 2359 hours and the inevitable noise this would cause.</li></ul> <p><b>N.B. Following the letter highlighted in 6.1, and included in the Appendices, this representation has been withdrawn.</b></p> <ul style="list-style-type: none"><li>➤ Mr &amp; Mrs Nannucci of Sherton Close, Eastbourne make a representation as a local resident living in the vicinity. Their representation focuses on the prevention of public nuisance licensing objective.</li><li>➤ Mr Stone of Sheraton Close, Eastbourne makes a representation as a local resident living in the vicinity. His representation focuses on the prevention of public nuisance licensing objective.</li><li>➤ Mr Parrott and Mr Dennis of Furness Road make a representation in their own right and on behalf of 3 other local residents who reside in the locality. The representation focuses on the prevention of public nuisance objective.</li></ul>
<p>Representations from Responsible Authorities</p> <ul style="list-style-type: none"><li>➤ <b>Environmental Health Noise</b> – Mr Fenton Environmental Health Officer, made a representation under the prevention of public nuisance objective, given that it is proposed that regulated entertainment continues to 2359 hours. Following discussions with the applicant, this has been revised to 2300 hours. A copy of the correspondence confirming this is included in the Appendix C.</li><li>➤ Police – No representations</li><li>➤ Fire – No representations</li><li>➤ Health and Safety – No representations</li><li>➤ Planning EBC – No representations</li><li>➤ Area Child Protection – No representations</li><li>➤ Trading Standards East Sussex County Council – No representations</li></ul>

- 6.1 The Applicant sent correspondence to all those who submitted a representation, a copy of which is attached in Appendix C. This resulted in the representation from Mr M F Reynolds and Mr Fenton of Environmental Health, being withdrawn. For the other parties however, this has failed to resolve the matter, hence the case being brought to Committee.
- 6.2 Regard will be had to any history or likelihood of nuisance at the site. Powers may be exercised to impose conditions as to hours of opening, types of licensed activity and mechanisms to promote the Licensing Objectives in order to avoid unreasonable disturbance to residents in the locality.
- 6.3 In determining what conditions should be attached to licences and certificates, if necessary, these should only be attached in order to promote the licensing objectives.
- 6.4 Only necessary, proportionate and reasonable licensing conditions should be imposed on licence on a case by case basis. The licensing Committee has been provided with a "Pool of Licensing Conditions," which can be attached to licences where it is considered necessary and appropriate.

## **7.0 Options Open To The Panel**

- 7.1 The Panel must have regard for the Local Authority Licensing Statement and statutory guidance in the Licensing Act 2003. Copies of the revised Guidance under Section 182 of the Licensing Act 2003 and Eastbourne Borough Councils Licensing Statement have been provided to the Licensing Committee as reference material.
- 7.2 The Panel must take the following steps it considers necessary for the promotion of the Licensing Objectives:-
  - a) Grant the application as requested
  - b) Grant the application but modify it by altering hours or activities, adding conditions, or omitting parts as necessary for the promotion of the licensing objectives.
  - c) Reject the whole or part of the application

## **8.0 Legal Considerations**

- 8.1 The Department for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This guidance is provided to assist the Authority in carrying out their functions. Furthermore, the Licensing Panel must have due regard for the Eastbourne Licensing Statement.

## **9.0 Human Rights**

- 9.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act, 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property. Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First

Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

## **10.0 Background Material**

- Licensing Act 2003
- LACORS Guidance – Committee Hearings
- Section 182 Statutory guidance to the Licensing Act 2003  
Hearing and Regulations
- Eastbourne Borough Council Licensing Statement 2005
- Human Rights Act 1998