

Agenda Item No: 4

Report No: 194/13

Report Title: Application for a Premises Licence. Pleasant Stores, 8 Mount Pleasant, Lewes

Report To: Licensing Sub-Committee Date: 28 November 2013

Report By: Director of Planning and Environmental Services

Contact Officer(s): Ian Kedge Head of Environmental and Health

1. The Application:

Applicant: Miss Sara Grisewood, 20 New Road, Lewes BN7 1YY

1.2 Premises: Pleasant Stores, 8 Mount Pleasant, Lewes BN7 2DH

1.3 Type of application: Application for a Premises Licence to be granted under the Licensing Act 2003.

1.4 Licensable activities:

1.4.1 Sale of alcohol for consumption on and off the premises from 8am to 11pm Monday to Saturday and on Sunday from 11am to 6pm.
Non standard timings, on Bonfire night until 1am the following morning.

1.4.2 Non standard timing for Late night refreshment indoors and outdoors on Bonfire night from 11pm to 1am the following morning.

1.5 Steps to promote the Licensing Objectives:

1.5.1 The applicant has offered the following to promote the four licensing objectives.

1.5.2 General

Alcohol supplied for consumption on the premises will be to customers seated at tables. There will be no bar

1.5.3 The prevention of crime and disorder

Staff will be trained to recognise and report potential issues relating to crime and disorder.

1.5.4 Public safety

Regular fire risk assessments will be undertaken.

1.5.5 The prevention of public nuisance

Customers will be encouraged by staff to respect our neighbours and leave the premises in an orderly manner.

1.5.6 The protection of children from harm

A Challenge 25 Policy will be in place.

Staff will be trained in Licensing Law.

Only photographic ID (passport/driving licence) will be accepted and other ID cards with PASS scheme.

2. **Background Information:**

2.1 Previously being a small convenience store, the applicant took over this premises in early 2011 applying successfully to change its use for shop and café use. Pleasant Stores primarily offers a variety of hot and cold drinks, vegetarian quiches, soups, salads, and cakes, but also has a range of organic products, artisan bread and groceries for sale.

2.2 The premises itself is a terraced building surrounded on all sides by residential premises. The shop/café is on the ground floor accommodating 12-14 covers. Approximately 100m west of the premises is the Elephant & Castle public house opening until 12.30am weekdays and 1am weekends and approximately 100m east of the premises is the Spice Merchant Indian Restaurant opening until 1am and the Beijing Chinese Restaurant with opening until 1am around the same distance away to the south/east in Fisher Street.

Environmental Health have received one complaint since Miss Grisewood took over the premises, which was resolved to the satisfaction of all parties.

3. **Representation received from Responsible Authorities:**

3.1.1 <u>Police:</u>	No comment
3.1.2 <u>Environmental Health:</u>	No comment.
3.1.3 <u>Fire Officer:</u>	No comment.
3.1.4 <u>ESCC – Child Protection:</u>	No comment.
3.1.5 <u>Trading Standards:</u>	No comment.
3.1.6 <u>Health & Safety:</u>	No comment.
3.1.7 <u>Planning:</u>	No comment.
3.1.8 <u>Public Health.</u>	No comment.

4. **Representation received from Interested parties:**

4.1 There has been 1 letter of objection received making representation regarding this application from a member of the public. The objection is on the grounds of public nuisance.

5. Licensing Policy Considerations:

- 5.1** Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activity for retail sale of alcohol which is subject to this licence application.
- 5.2** The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act.
- Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - Protection of children from harm
- 5.3** The following will be taken into account when licensing decisions are being made. The Council as Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives. Each licensing application will be given individual consideration on its merits.
- 5.4** The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.
- 5.5** Any person has a right to make representations concerning applications for premises licences and hours of the licensable activity and to have those representations given equal weight regardless of the area of the District in which they live.
- 5.6** In each case that arises following representations the Policy states the Council will:
- a) Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities involved and the rights of local residents to peace and quiet.
 - b) Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
 - c) Consider restricting the hours only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.
- 5.7** The Council will only attach licence conditions that are reasonable, proportionate and appropriate for the promotion of the licensing objectives.

5.8 If a responsible authority and/or any other person do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the Licence subject only to the conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.

5.9 The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representation and it has been satisfied at a hearing that it is appropriate to impose conditions due to the representations raised. It may then only impose such conditions that are appropriate to promote the Licensing Objectives arising out of consideration of the representations.

6. National Guidance:

6.1 The Council may attach conditions to the licence in consideration of the application and Section 10 of the National Guidance provides advice and recommendations concerning best practice in relation to conditions attached to premises licences.

7. Financial Implications:

There are no financial implications to this report

8. Environmental Implications:

I have completed the Environmental Implications questionnaire and there are no significant effects as a result of these recommendations

9. Risk Management Implications:

I have completed the Risk Management questionnaire and this report does not require a risk assessment.

10. Equalities Implications:

I have completed the Equalities Implications questionnaire and there are no significant effects as a result of these recommendations.

11. Background Papers:

Application for the grant of a premises licence for Pleasant Stores, 8 Mount Pleasant, Lewes, by Miss Sara Grisewood.

12. Appendices:

1. Floor Plans of premises
2. Google Earth Image identifying the approximate location of the site
3. Example photographs of internal layout and external facade
4. 1 letter of objection from a local resident