



Lewes District Council

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Licensing Committee

Minutes of a meeting of the **Licensing Sub-Committee** held in **Southover Grange, Southover Road, Lewes** on **Thursday, 28 November 2013** at 10.00am

Present:

Councillor P Gander (Chair on election)
Councillors G R Amy and R Robertson

Officers Present:

Ms A Blanshard, Committee Officer
Ms J Fletcher, Solicitor
Mr E Hele, Principal Environmental Health Officer
Ms S Lindsey, Licensing Officer

Applicant Attending:

Miss S Grisewood

Representor(s) attending the meeting and who spoke against the Application:

Miss R Beswetherick

	Minutes	Action
1	<p>Election of Chair of the Committee</p> <p><u>Resolved:</u></p> <p>1.1 That Councillor Gander be elected Chair of the Committee for this meeting.</p>	
2	<p>Application for a Premises Licence for Pleasant Stores, 8 Mount Pleasant, Lewes BN7 2DH</p> <p>The Chair of the Sub-Committee welcomed all parties to the hearing. Those attending introduced themselves and the procedure under the Licensing Act 2003 was read out to all parties present.</p> <p>The Sub-Committee considered Report No 194/13 to determine the Application for a Premises Licence for Pleasant Stores, 8 Mount Pleasant, Lewes.</p> <p>The Licensing Officer presented the Report to the Sub-Committee.</p>	

The Application related specifically to:

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

The premises had previously been a small convenience store. When the Applicant took it over in early 2011 they had applied successfully to change its use for shop and café use. Pleasant Stores primarily offered a variety of hot and cold drinks, vegetarian quiches, soups, salads and cakes and had a range of organic products, artisan bread and groceries for sale.

The premises was a terraced building surrounded on all sides by residential premises. The shop/café was on the ground floor and accommodated 12-13 covers. Approximately 100 metres west of the premises was the Elephant and Castle public house opening until 12.30am weekdays and 1am weekends. Approximately 100 metres east of the premises was the Spice Merchant Indian Restaurant opening until 1am and the Beijing Chinese Restaurant opening until 1am around the same distance away to the southeast in Fisher Street.

The Licensing Officer explained that there had been one complaint since Miss Grisewood took over the premises which had been resolved to the satisfaction of all parties.

The Environmental Health department had received one letter of objection within the relevant 28 day notice period from a member of the public who wished to make representations about the Application. A copy of the letter was contained in Appendix 4 of the Report. The objection related to one of the four licensing objectives, namely prevention of public nuisance. It was noted that no representations had been received from the responsible authorities.

The Sub-Committee thanked the Licensing Officer for their comprehensive Report. The members of the Sub-Committee, the Applicant and the Representor confirmed that they had no questions to ask the Licensing Officer regarding the Report.

The Sub-Committee invited the Applicant to present her case. Miss Grisewood explained that the Application had been made to enable her to provide an extra service to her existing customers; she did not anticipate that the provision of the premises license would change her clientele. She informed the Sub-Committee that the premises currently opened a couple of evenings a month and that the license until 11pm would enable her to allow customers to stay a little later.

Miss Grisewood explained that she did not want to antagonise her neighbours and would endeavour to ensure that there would be no problems arising from the licence. She informed the Sub-Committee that the Application for late hours was for Bonfire Night, and that she had opened the premises on the past three Bonfire Nights and that there had been no trouble or disturbance.

Miss Grisewood explained that the premises licence would allow her to serve alcohol with food to her customers and also allowed her to sell a range of bottles of organic wine.

Miss Grisewood informed the Sub-Committee that she had changed her procedure for dealing with the recycling and that this was now stored in the basement. She closed by explaining to the Sub-Committee that there was no intention to open the premises every evening, but that the provision of the licence would provide her with flexibility and enabled her to increase slightly from the couple of evenings per month that currently occurred.

In response to a question from a member of the Sub-Committee, Miss Grisewood explained that, now the recycling was stored downstairs, she brought the bottles up during the day prior to the collection. The Sub-Committee asked Miss Grisewood whether she intended on hiring extra staff for the evenings. Miss Grisewood responded that she did not as she felt that the few extra evenings that she intended to open would be adequately covered by existing employees.

The Sub-Committee invited the Representor to ask questions of the Applicant.

Miss Beswetherick explained to the Sub-Committee that she was concerned about the provision of alcohol and that the staff would not be able to cope with customers who had drunk too much. She was also concerned that there would be an increase in noise levels as a result and informed the Sub-Committee that the arrangement of the buildings acted like an amplifier, so that any increase in noise would cause a nuisance to all those who shared the rear space. The Sub-Committee asked how the rear of the property would be affected. The Representor explained that the only window that she could open in her property was at the rear over the courtyard. The Applicant responded to the concerns by repeating her expectations that customer numbers would not increase and that, in her application, she had offered to promote the four licensing objectives. One of the ways she intended to do this was by training staff to recognise and report potential issues relating to crime and disorder.

Miss Beswetherick also raised points of concern regarding the cooking smells from the kitchen, and building work that was taking place on the first floor flat above the premises. The Sub-Committee explained that these points could not be considered as points against the Application under consideration. The Principal Environmental Health Officer advised the Representor that if she had concerns about other issues she could contact

the Environmental Health team who would be able to investigate.

The Applicant and the Licensing Officer confirmed that they had no other questions or points to make.

The Sub-Committee withdrew to consider the Application. The decision was delivered as follows:

Resolved:

“Having regard to the terms of the Application and all of the relevant evidence that has been put before us today, we have decided to deal with this Application by granting it subject to a restriction of the hours applied for. This restriction is only to the sale of alcohol on Monday to Saturday between 8am and 10pm, as proposed by the Applicant.

In reaching our decision, we took into account the representations made by Miss R Beswetherick and Miss S Grisewood.

We also took into account the nature and location of the premises.

We considered the potential for a public nuisance occurring posed by the Application and balanced this against the rights of local residents to peace and quiet. We have also considered the statutory guidance and the Council’s statement of Licensing Policy where relevant.

We do not accept that Miss Beswetherick’s evidence shows that the granting of the licence will create a public nuisance and therefore it is not relevant to the Application.

We also do not accept the evidence put forward by Miss Beswetherick that relates to matters not subject to the Application and not relevant to the Licencing Objectives.

We gave full consideration to the relevant terms of the Statutory Guidance, as well as our own statement of Licensing Policy,

In particular, the following paragraphs of the statutory guidance:

- 2.18 – 2.24 (public nuisance),
- 9.27 – 9.37 (hearings),
- 3.11 – 3.18 (late night refreshment),
- 10.11 – 10.12 (hours of trading), and
- 8.6 (responsible authorities)

...And of the Council’s Statement of Licensing Policy:

- paragraphs 5.1 and 5.2 (relating to principles 1 and 2), and
- paragraph 6.4 (relating to other legislation).

We also recognise that noise from commercial premises can be dealt with under the Environmental Protection Act 1990.

A written notification of the decision will be despatched in due course.

Furthermore, we would like to remind those present that under section 51(1) of the Licensing Act 2003, an interested party or responsible authority may apply to the Licensing Authority at any time for a licence to be reviewed.

In any event, there is a right of appeal under the provisions of section 181 and schedule 5 of the Licensing Act 2003 against the decision of the Licensing 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 either where the licence has been granted or, where they do not consider that relevant conditions have been imposed.

Full details of the right to appeal can be found within schedule 5 of the Act.

Please note that any appeal must be made within 21 days of the notification of this decision.”

The meeting ended at 11.06am

P Gander
Chair