

## Decision of Licensing Sub Committee. Hearing 19 December 2023

### **Application for a new premises licence at Dawmouse Furniture Limited, 4 Carlisle Buildings, Carlisle Road, Eastbourne, BN21 4DB**

The hearing concerned a new premises licence application for Dawmouse Furniture Limited, 4 Carlisle Buildings, Carlisle Road, Eastbourne, BN21 4DB made by Dawmouse Furniture Ltd.

The premises is primarily a furniture store which also sells gifts and accessories.

The application was for the sale by retail of alcohol, on and off the premises, Monday to Saturday (inclusive) between 12.00hrs to 23.00hrs and Sunday between 12.00hrs to 22.00hrs. Further, it was for live music Friday and Saturday between 20.00hrs to 22.00hrs and Sunday 14.00hrs to 22.00hrs (indoors only), and recorded music between 12.00hrs to 23.00hrs, everyday (indoors only).

In discharging its functions, the Sub Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the relevant Home Office Guidance, and the rules of natural justice.

It also took into account, the information contained within the Specialist Advisor's report, presented by Dean Love. He noted that no Responsible Authority had made a representation, but conditions had been agreed between the Applicant and the Police prior to the hearing, referred to in Appendix E in the Report.

Dean Love advised that there had been originally two representations received by the Licensing Authority but that one representation had been withdrawn prior to the hearing.

He stated that mediation had been attempted between the Applicant and the remaining Representator but there had been no resolution. The Representator did not wish to attend the hearing and had clarified that his representation was submitted as a member of the public and not as a business owner as stated in the Report.

Dean Love stated that additional supporting information had been provided by the Applicant, a petition in support of the application, which had been circulated to the Licensing Sub Committee. He advised that the petition was invalid because it did not contain the addresses of each signatory and it did not contain a summary/header on each page which described the purpose of the petition. He also advised that the consultation period for representations had closed.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant's representatives Christina Ewbank, CEO of the Eastbourne and District Chamber of Commerce and Erica Castle, colleague and wine wholesaler. For transparency. Christina Ewbank informed the Sub Committee that she was representing the Applicant on behalf of the Chamber of Commerce, not as a Borough Councillor.

The Applicant stated that the objection lacked foundation. The Applicant had had five temporary events at the premises and had received no objections to those events. It was stated that the application was supported by a hundred local residents and there was only one objection. It was stated that the business needed to diversify to ensure longevity and it was considered that there was a gap in the market. He asked not to be judged on

other businesses in the area and in particular not to judge these premises on one licensed premises that had closed nine years ago.

It was stated that the application was fully supported by the Chamber of Commerce. It was noted that there had been no issues with the temporary events that had taken place previously. It was contended that the age profile of the clientele and the price point of the wine offered would mean there would be no trouble or excessive noise from the premises. It was stated that the Applicant was planning to apply for Best Bar None accreditation. It was contended that the premises is situated in a lively area and a sophisticated wine bar would support but not compete with other businesses around it and that to grant the application would enhance the community.

In response to a question, the Applicant advised that he would ask anyone under the age of 18 for ID. Dean Love advised that "Challenge 25" would be a condition applied to any licence granted. The Applicant advised that he did not consider that door staff were needed as he did not have the sort of clientele that warranted the need.

Due regard by the Sub Committee was given to the written representation of a member of the public. Those objections related, in part, to the prevention of public nuisance in that it was contended that the granting of the licence would be an inappropriate intrusion and disturbance to nearby residential accommodation, including accommodation mainly occupied by elderly residents.

In its deliberations the Sub Committee considered which decision would be appropriate and proportionate, from the options outlined in para. 8.1 of the Report.

## **Decision**

The Sub Committee resolved to grant the premises licence with the modified conditions as agreed by the Police.

## **Reasons for decision**

The Licensing Sub Committee carefully considered the relevant parts of the representation made by a member of the public, on page 54 of the Report. It considered that these premises were not comparable with a particular premises which had previously been licensed. It was noted that one of the representations had been withdrawn prior to the hearing, following discussions with the Applicant.

In making its decision the Sub Committee took into account the plans and style of the premises and the likely clientele. The Members noted that no complaints had been made about the temporary events previously held and the Applicant's contention that there was a high level of public support for the application.

The Members were content, taking into account, the conditions which would be placed upon the licence and the representations made at the hearing, by and on behalf of the Applicant, that the grant of the premises licence would not undermine the licensing objectives.

The Sub Committee were satisfied, on balance, that the Applicant would deal with any concerns about noise which could adversely impact on the licensing objective of the

prevention of public nuisance. The Members noted that the Applicant planned to apply for Best Bar None accreditation.

In making its decision, the Sub Committee took into account that no Responsible Authority had made a representation.

The Licensing Act 2003 provides a right of appeal to the Magistrates' Court in respect of an application for a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates' Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub Committee.

If an appeal is made within the time limit the appellant is asked to notify the Licensing Authority at the time of the appeal application.

The decision shall be provided in writing to all parties within five working days of the decision being made.

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