

Monday, 9 April 2018
at 5.00 pm



EBC Licensing Act Sub-Committee

Present:-

Members: Councillor Holt (Chairman) and Rodohan (Chairman)
Councillor Murray (as substitute for Swansborough)

7 Apologies for absence.

Apologies for absence were reported from Councillor Murdoch and Councillor Swansborough.

8 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.

There were none.

9 Variation to a premises license - Bottle Grove, 56b Grove Road, Eastbourne, BN21 4UD.

All parties present introduced themselves and the Chairman detailed the procedure to be followed at the meeting.

The Specialist Advisor for Licensing outlined the report detailing the application for a variation to the premises licence for Bottle Grove, 56b Grove Road.

Details of the current premises licence and variation sought were appended to the report. When submitting an application for a variation to a premises licence under the Licensing Act 2003, the applicant was required to describe any steps they intend to take to promote the four licensing objectives, as defined by the Licensing Act 2003. These were appended to the report at Appendix 1.

The premises in question was located within the cumulative impact zone (CIZ) and where valid representations were received, the cumulative impact policy (CIP) creates a rebuttable presumption that the application be refused. It is up to the applicant to demonstrate that granting the application would not add to the cumulative impact caused by licensed premises and challenges already experienced in the area and would not undermine the promotion of the licensing objectives.

Following a consultation period of 28 days, four representations had been received from members of the public who resided above the applicant's premises or were relatives of the resident and were included as part of the agenda pack circulated. The representations centred on the prevention of

public nuisance, the prevention of crime and disorder and the protection of children from harm.

Sussex Police as a responsible authority had mediated with the applicant and agreed a number of conditions; these included staff training, the provision of a refusal and Incident book, and a challenge 25 policy. A copy of the e-mail correspondence was attached at Appendix 4 of the report.

After receiving the initial representation a mediation meeting was set up between the applicant and the people making representations. This was set for the 21st March 2018, unfortunately not all people making representations were able to attend so it was agreed by those who did attend to continue to hearing

Mr Simpson Wells, representative addressed the Sub-Committee stating the variation to the license would cause increased noise to his property. He had been advised by a leading sound proofing expert that due to the age of the building and layout of the rooms, sound proofing would not be effective. He stated that he could clearly hear conversations held in the shop below, and was concerned that people under the influence of alcohol would be even louder. Mr Simpson Wells also raised concerns regarding patrons leaving the premises.

Mr Mitchell, applicant, addressed the committee in response stating that he had vast experience in the hospitality industry, which included managing craft beer shops in Brighton. He had also been responsible for training staff with regard to the licensing objectives. Mr Mitchell hoped to hold tasting and food pairing evenings in Bottle Grove to create an 'experience' for patrons rather than a typical 'pub' environment. Patrons would be provided with table service serving premium quality craft ales. He hoped to create an artisanal beer house supporting local breweries. The premises had been previously used as a café and deli with provision for 20 covers. There would be no change to the capacity or furniture on site. Mr Mitchell stated that Mr Simpson Wells premises was sited over Bottle Grove and the neighbouring café / restaurant and queried whether noise from each premises would be easily distinguishable. Mr Mitchell did not anticipate patrons staying longer than two hours per visit and was happy to request patrons leave if it was deemed they were being overly noisy. Mr Mitchell also stated that he had been advised that sound proofing was possible due to the height of the ceilings, this would certainly help mitigate any perceived noise.

The applicant acknowledged the responsibility of promoting the four licensing objectives and that failure to adhere would result in a review process. Following all the evidence presented, the Sub-Committee retired to consider and determine the application.

Having taking into account all the relevant considerations, the Sub Committee reconvened and announced the decision as follows:

RESOLVED: That the application to vary the license be approved.

The meeting closed at 6.50 pm

Councillor Holt (Chair)