

Decision of Licensing Sub Committee. Hearing 2 August 2023

Application for a new premises licence at JoJo's Tea Room, 22 Seaside Road, Eastbourne, BN21 3PA

The hearing concerned a new premises licence application, for JoJo's Tea Room, at 22 Seaside Road, Eastbourne, BN21 3PA, from JoJo's Tea Room Ltd.

The application was for the sale by retail of alcohol on the premises only every day between 09:00hrs and 23:00hrs. The application stated that the premises would be a café serving sandwiches and cake with a small selection of wines, beers and spirits to be served only with meals.

In discharging its functions, the Sub Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the 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 Jade Marshall. She noted that no Responsible Authority had made a representation but that some conditions had been agreed between the Applicant and the Police.

In response to a question, the Specialist Advisor stated that she had asked the Police what they meant by an "outside area", as referred to in conditions at page 36 of the Report, in relation to points (d) and (e), but that to date she had received no response.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant's representative, Mr Ay. Those were that the Applicant had agreed conditions with the Police. He noted that no Responsible Authority had made a representation. He contended that the licensable hours applied for were not excessive or unusual. He described the premises as a typical tearoom which he contended would not attract customers who were likely to cause a nuisance. He explained that the Applicant would be proactive if any issues were to arise and would immediately address any issues with their neighbours or others. He stated that he did not consider that, if there were existing issues with anti-social behaviour in the area, that could be said to be the responsibility of the Applicant. He further noted that should any concerns arise after the grant of the licence that a review application could be made.

Due regard by the Licensing Sub Committee was given to the written representations of a member of the public. It was noted that the Representator had declined to attend the hearing. Those objections related to the prevention of public nuisance in relation to noise in his home, if the licence was granted. It was further contended that the granting of the licence would lead to an increase in noise, crime and anti-social behaviour in the area.

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 licence with the modification of conditions as appropriate for the promotion of the licensing conditions. The licensing conditions to be

those as agreed between the Applicant and the Police, as set out in Appendix 4 on pages 33 -36 of the Report, with the exception of conditions (d) and (e) on page 36. In addition, the licence conditions will include those appropriate conditions offered in the application, as set on in page 20 of the Report. For the sake of complete clarity those conditions shall be;

There should be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

The supply of alcohol on the premises shall only be to persons seated taking a table meal and for consumption by such persons as ancillary to their meal.

No high strength beers, lagers and ciders above 5.5% ABV shall be stocked or sold at the premises.

An electronic till prompt should be used for all alcohol sales.

All deliveries to the site shall take place during the normal working day i.e., 09:00 to 18:00 daily.

A minimum of two members of staff shall be present throughout the permitted hours for the sale of alcohol.

Outside of the hours authorised for the sale of alcohol, all alcohol within the trading areas is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.

Reasons for decision

The Sub Committee carefully considered the written representations from the member of the public. However, the Sub Committee were content that the licensable hours were reasonable, in all the circumstances. In addition, it considered that the conditions, as referred to above, would reasonably address those concerns.

The Members also noted the reassurances provided that should any concerns arise, the Applicant would address those forthwith.

The Sub Committee in making its decision took into account the premises would be focussed on the supply of food and that the provision of alcohol was ancillary to that.

It was noted that no Responsible Authority had made a representation.

The Sub Committee was content that the granting of the premises licence would not undermine the relevant licensing objectives.

The Sub Committee considered that the conditions (d) and (e) on page 36 of the Report should not be added to the licence as there was a lack of clarity as to the meaning of "the outside area."

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.

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