

**Report to:** Licensing Sub-Committee

**Date:** 27<sup>th</sup> June 2024

**Title:** Application for a Full Variation of a Premises Licence for Joy Bar, 4 Bolton Road, Eastbourne, BN21 3JX.

**Report of:** Chief Executive

**Ward(s):** Meads

**Purpose of report:** To consider representations made in relation to a full variation of a premises licence application under the Licensing Act 2003 and make a decision on the application.

**Officer recommendation(s):** That the Licensing Sub-Committee determine an application for a full variation of a premises licence under the Licensing Act 2003 for Joy Bar, 4 Bolton Road, Eastbourne, BN21 3JX.

**Reasons for recommendations:** Relevant representations made within consultation period.

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## **1 Introduction**

- 1.1 Eastbourne Borough Council received an application for a full variation of a premises licence under the Licensing Act 2003 for **Joy Bar, 4 Bolton Road, Eastbourne, BN21 3JX**. The application is included at **Appendix 1**.
- 1.2 Alongside the application a plan of the premises was submitted, and this can be found at **Appendix 2**.
- 1.3 The current premises licence can be found at **Appendix 3**.
- 1.4 **Current Permitted Licensable Activity**
- Sale by Retail of Alcohol**  
Monday to Sunday 10:00hrs- 01:30hrs  
St George's Day 10:00hrs to 02:00hrs  
St Patrick's Day 10:00hrs to 02:00hrs  
Maundy Thursday 10:00hrs to 02:00hrs  
Good Friday 10:00hrs to 02:00hrs  
Christmas Eve 10:00hrs to 02:00hrs  
New Year's Eve 10:00hrs to 02:00hrs  
Twelve other occasions as specified in special notice 10:00hrs to 02:00hrs.

**Live Music and Recorded Music (indoors and outdoors)**

Monday to Sunday 10:00hrs- 01:30hrs

St George's Day 10:00hrs to 02:00hrs

St Patrick's Day 10:00hrs to 02:00hrs

Maundy Thursday 10:00hrs to 02:00hrs

Good Friday 10:00hrs to 02:00hrs

Christmas Eve 10:00hrs to 02:00hrs

New Year's 10:00hrs to 02:00hrs

Twelve other occasions as specified in special notice 10:00hrs to 02:00hrs.

**Late Night Refreshment (indoors and outdoors)**

Monday to Sunday 23:00hrs- 00:30hrs

St George's Day 23:00hrs to 02:00hrs

St Patrick's Day 23:00hrs to 02:00hrs

Maundy Thursday 23:00hrs to 02:00hrs

Good Friday 23:00hrs to 02:00hrs

Christmas Eve 23:00hrs to 02:00hrs

New Year's Eve 23:00hrs to 02:00hrs

Twelve other occasions as specified in special notice 23:00hrs to 02:00hrs.

**2 The Application**

- 2.1 An application for the grant of a full variation of a premises licence under the Licensing Act 2003 for the following licensable activities:

**Extend the Sale by Retail of Alcohol on the ground floor only:**

Fridays and Saturdays until 03:00hrs.

**Seasonal variation:** St Georges Day, St Patricks Day, Maundy Thursday, Good Friday, Christmas Eve and New Years Eve until 03:00hrs as well as any other applicable day preceding a Bank Holiday.

**Extend Recorded and Live Music on the ground floor only:**

Fridays and Saturdays until 03:00hrs.

**Seasonal Variation:** St Georges Day, St Patricks Day, Maundy Thursday, Good Friday, Christmas Eve and New Years Eve until 03:00hrs as well as any other applicable day preceding a Bank Holiday.

**Opening Hours on the ground floor only:**

Fridays and Saturdays until 3:30hrs.

**Seasonal variation:** St Georges Day, St Patricks Day, Maundy Thursday, Good Friday, Christmas Eve and New Years Eve until 03:00hrs as well as any other applicable day preceding a Bank Holiday.

### **3 Licensing Objectives**

- 3.1 When applying for a full variation of a premises licence under the Licensing Act 2003, the applicant is able to describe any additional steps they intend to take to promote the four licensing objectives as defined by the Licensing Act 2003. The operating schedule detailing these steps can be seen in the application form. This is included at **Appendix 1**.

### **4 Consultation Process**

- 4.1 The Licensing Act 2003 requires applicants to advertise both on the premises and in a local newspaper in order to inform the public of the application. The application details are also advertised on the council's website. Responsible Authorities have also been consulted as part of the process. There was a consultation period of 28 days, from the 3<sup>rd</sup> May 2024 until midnight on the 31<sup>st</sup> May 2024, for representations to be made.
- 4.2 The applicant conformed with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.3 No mediation has been advised to the Licensing Officer at this time.

### **5 Representations**

- 5.1 Three representations were made during the consultation period under the licensing objective of the Prevention of Public Nuisance. This can be found at **Appendix 4, 5 and 6**.
- 5.2 **Interested Parties:**  
**Two** representations have been received, the representators have made comments under Prevention of Public Nuisance.
- 5.3 **Representations from Responsible Authorities:**  
The following summarises whether representations have been received from responsible authorities:
- **Sussex Police** – No representation.
  - **Eastbourne Borough Council (Specialist Advisor) Environmental Health** – Representation Appendix 6.
  - **Eastbourne Borough Council (Specialist Advisor) Health and Safety** - No representation.
  - **Eastbourne Borough Council (Specialist Advisor) Planning** – No representation.
  - **Eastbourne Borough Council (Specialist Advisor) Licensing** – No representation.
  - **East Sussex Fire and Rescue Service** – No representation.
  - **Area Child Protection Team** – No representations.
  - **Trading Standards (East Sussex County Council)** – No representation.

- **Primary Care Trust** - No representation.

5.4 Members are asked to note that not all the information provided within the representation valid against the four Licensing Objectives within the Licensing Act 2003.

## **6 The Decision Making Process - The Licensing Objectives**

6.1 In their decision making, the Licensing Sub-Committee must act to promote the four licensing objectives. All carry equal weight as part of the process. The licensing objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm.

6.2 A representation is a 'relevant representation' if it is about the likely effect of the variation of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a likely effect of a grant (i.e. more probable than not).

## **7 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance**

7.1 Whilst each application will be considered on its merits, the Licensing Sub-Committee will act to promote the four licensing objectives and have due regard to:

- [Eastbourne Borough Council's Statement of Licensing Policy 2019-2024](#)
- [Section 182 Guidance issued by the Home Office.](#)

7.2 Members are asked to consider, in particular, section 14 of the Statement of Licensing Policy when making a decision on this application.

## **8 Options open to the Sub-Committee**

8.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the licensing objectives and may:

- Modify the conditions on the licence
- Modify the hours of licensable activity
- Reject the whole of the application
- Reject part of the application.

8.2 The Sub-Committee are asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 (Hearing) Regulations 2005, as amended.

- 8.3 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case-by-case basis.
- 8.4 The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the licensing objectives.
- 8.5 The Sub-Committee may not impose any condition unless its discretion has been exercised following receipt of a relevant representation and is satisfied that it is appropriate to promote one or more of the licensing objectives.

## **9 Financial appraisal**

- 9.1 There are no specific financial implications arising from this application as the cost of delivering the licensing function is fully covered by the Licensing fees.
- 9.2 A decision made by the Sub Committee may be appealed by any party to the proceedings to a Magistrates' Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

## **10 Legal implications**

- 10.1 Under section 34 Licensing Act 2003 (as amended) a holder of a premises licence may apply to the Licensing Authority for a variation of a licence, in certain circumstances. Under section 35, when relevant representations are made during the consultation period the Licensing Authority must hold a hearing to consider the representations and having regard to those representations take such steps as it considers appropriate for the promotion of the licensing objectives.
- 10.2 Under section 181 and Schedule 5 (1) and (4) 2003 Act there is a right of appeal to the Magistrates' Court within 21 days of the appellant being notified of the written decision.
- 10.3 The Legal Section considered this report on 17 June 2024 (IKEN 12975-EBC-MW).

## **11 Risk management implications**

- 11.1 There are no risks associated with the content of this report.

## **12 Equality analysis**

- 12.1 An Equality Analysis is not constructive in this instance.

## **13 Environmental sustainability implications**

- 13.1 There are no sustainability and/or carbon reduction implications associated with this report.

## **14 Appendices**

14.1 Appendix 1 - Application form

Appendix 2 - Plan of premises

Appendix 3 - Current Premises Licence

Appendix 4 & 5 - Public Representation

Appendix 6 - Environmental Protection Representation.

## **15 Background papers**

15.1 Section 182 Statutory Guidance to the Licensing Act 2003 available [here](#)

Eastbourne Borough Council Licensing Statement 2019 - 2024 available [here](#)

Human Rights Act 1998

Equality Act 2010

Crime and Disorder Act 1998.