

**Eastbourne Borough Council
Decision Notice**

Licensing Act Sub-Committee held on Monday 1 April 2019

Premises Licence Holder/Designated Premises Supervisor:	Ms Jaswant Bhopal
Premises:	32-34 Cornfield Road, Eastbourne, BN21 4QH
Reasons for Hearing:	Relevant representation received from interested parties under the prevention of public nuisance and the prevention of crime and disorder.
Parties in attendance:	<p>Councillors: Pat Hearn (Chair) Tony Freebody Jim Murray</p> <p>Licensing Authority: Danielle Ball (Specialist Advisor - Licensing) Stewart Bryant (Senior Specialist Advisor (Licensing and Pollution))</p> <p>Legal Advisor: Michele Wilkinson (Lawyer)</p> <p>Democratic Services: Emily Horne (Committee Officer)</p> <p>Applicant: Ms Jaswant Bhopal</p> <p>Representative: Christian Schmidt</p>
Decision made:	That the application for a premises license is granted with the modified condition that no alcohol is to be consumed outside of the premises at any time and that this condition replaces the two mediated conditions made between the Police and the applicant.
Reasons for Decision:	The application concerned the grant of a new premises licence under the Licensing Act 2003 for the supply of alcohol on Monday – Saturday between 10.00hrs and 23.00hrs and on Sunday between 10.00hrs and 22.30hrs. Apart from on Christmas Eve and New Year's Eve when application is for 10.00hrs to 2.00hrs. Further the application was for a licence for live music on Thursday and Friday between 19.00hrs and 22.00hrs, and

recorded music on Monday – Saturday between 10.0hrs and 23.00hrs and on Sundays between 10.00hrs and 22.30hrs.

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.

As a result of the consultation process three representations were received. The Sub Committee gave due regard to the written representations received from Martina Ercolini, Rabin Paul and Melanie Bell and in addition the oral representations of Tamal Taru Saha made on behalf of Rabin Paul and Melanie Ball made on behalf of herself and Martina Ercolini.

The representations involved the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. Representations were made that the playing of both live and recorded music would cause a significant noise nuisance particularly to those living in the immediate vicinity of the premises given the lack of sound proofing in the building. Representations were also made about the premises being within the Cumulative Impact Zone and that Cornfield Road was a centre of night life with residents having to deal with nuisance and criminal behaviour so that another licensed premises in that area would be likely to exacerbate the situation.

The Sub Committee considered the new application and the oral representations made by the applicant's representative at the hearing that the premises would not be predominately a drinking establishment but more of a café/gallery (intended it to be a cultural hub). That alcohol would mainly be served only at occasional small (generally not more than 20 people) private viewings and gatherings. The applicant's representative stated that any music would be largely in the background and clarified, that contrary to their application, amplified music would not be played.

The Sub Committee noted that the premises are within the Cumulative Impact Zone.

The Sub Committee noted that no Responsible Authorities had made any representations although Sussex Police had mediated with the applicant two conditions, which were outlined at Appendix 3.

In its deliberations the Sub Committee considered what decision would be appropriate and proportionate from the options outlined in paragraph 9 of the Report.

	<p>The Sub Committee resolved to grant the premises licence with the modified condition that no alcohol is to be consumed outside of the premises at any time and that this condition replaces the two mediated conditions made between the Police and the applicant.</p> <p>The Sub Committee were satisfied that upon clarification by the applicant of the uses of the premises that the grant of the application would not add to the cumulative impact in the area or undermine the licensing objectives, in particular those of the prevention of public nuisance or crime and disorder.</p>
Date of Decision:	1 April 2019
Date decision notice issued:	4 April 2019

A written or electronic copy of this Notice will be available to all Parties and published on the Council's website.

RIGHT OF APPEAL

The Licensing Act provides a right appeal to the Magistrates Court in respect of an application for a variation of 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 was notified in writing of the decision of the Licensing Act Sub-Committee.

This page is intentionally left blank