

Decision of Eastbourne Borough Council Licensing Act Sub Committee. Hearing 4 September 2020

Application for a premises licence to Vino Bro's Ltd, 11 Piltdown Way, Eastbourne, BN23 8LB

The application concerned the grant of a new premises licence under the Licensing Act 2003 for the sale of alcohol for consumption off the premises on Monday-Sunday between 11.00hrs and 21.00hrs.

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.

The Sub Committee considered the written application and the oral representations made by the applicants representative, Mr Desor, at the hearing. Those were that the premises would operate as a small internet business selling artisan wines with typically 1 to 4 bottles being sold per customer. He pointed to the robust conditions being offered by the applicants and stated that the business had received support on social media. He suggested that it was significant that no Responsible Authority (including Environmental Health) had made any representations against the application. He acknowledged the concerns of the local residents regarding a potential increase in traffic and noise but felt that those were due to a misunderstanding about the scale of the business. It was explained that the wine would be stored in a utility room at the premises (so that was a small scale business) and that no large lorries would be used for delivery or collection rather a transit type van would be used. However, in an effort to address those unproven concerns the applicants were willing to volunteer two additional conditions. The conditions offered were 1, That there would be a maximum of one delivery and one collection vehicle calling at the premises on any day and 2, That all deliveries and collections would be made between 11.00 to 19.00 hrs. Mr Desor explained that the applicants, operating under a Temporary Events Notice, had received one delivery by a large lorry which they appreciated had concerned local residents but that had been a mistake on the part of the couriers and the applicants had made clear to the couriers that such large vehicles should not be used again. In addition, he explained that the applicants had produced policies including a code of conduct for deliveries which would alleviate any public nuisance.

As a result of the consultation process six representations were received but one was withdrawn before the start of the hearing. The Sub Committee gave due regard to the written representations received from Mr Holford, Mrs May, Mrs Meeten, Mr Parrett, Mr Corps/Mrs Armstrong. The representations involved the licensing objective of the prevention of public nuisance. Representations were made that the deliveries and collections by lorries and vans would cause a noise nuisance, particularly to those living in the immediate vicinity of the premises, on a narrow residential road. In his oral representation Mr Parrett (who was the only objector to make an oral representation) stated that his concerns had largely been allayed by the applicant's representative and the additional conditions offered.

In its deliberations the Sub Committee considered what decision would be appropriate and proportionate from the options outlined in paragraph 7.1 of the Report.

Decision

The Sub Committee resolved to grant the licence as applied for but with the addition of the two conditions offered by the applicants at the hearing.

Reasons for decision

The Sub Committee were content to grant the premises licence as they considered that the applicants had put robust measures in place to promote the licensing objectives. Further, it was considered that the applicants had demonstrated due regard to the concerns of the local residents, about the issue of public nuisance, particularly in light of the volunteered conditions. The Sub Committee also took account of the small scale of the business. In making its decision the Sub Committee noted that the premises are not within the Cumulative Impact Zone and that no Responsible Authority had made any representations.

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 was notified in writing of the decision of the Licensing Sub Committee.

The decision will be provided in writing to all parties within five working days from the date of the hearing.