

Decision of Licensing Sub Committee. Hearing 27 June 2024

Application for a variation of a premises licence at Signor Panino, 8 Grove Road, Eastbourne, BN21 4TS

The hearing concerned an application to vary a premises licence for Signor Panino, 8 Grove Road, Eastbourne, BN21 4TS.

The application was to extend the sale by retail of alcohol on the premises only every day between 22.30 hrs and 00:30hrs; and add late-night refreshments every day between 23:00hrs and 01:00hrs; and add recorded music every day between 23.00hrs and 01.00hrs.

The applicant originally offered additional conditions to the licence as per page 24 of the Report.

Before the hearing started the applicant/representative and the representors were given the opportunity to have a discussion to see if an agreement could be reached between them and the hearing was delayed for a short time.

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.

It also took into account, the information contained within the Specialist Advisor's report, presented by Jade Marshall.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant's representative. Those were that the applicant was aware of the concerns of the neighbours. That no complaints had been previously received. That the applicant was not changing the use of the premises it would still be a restaurant rather than a bar.

The Licensing Sub Committee were informed that following discussions with the representors that the applicant, at the hearing, was no longer asking for recorded music to be licensed after 23:00hrs.

In addition, the applicant was now offering two new conditions to be added to the premises licence.

1. The premises licence holder shall supply a mobile phone and landline number to the local residents in Ivy Terrace, so that any concerns could be communicated.
2. The outdoor part of the premises shall not be used after 21:00hrs.

Further, in relation to original additional conditions as outlined on page 24 of the Report, in light of the above, those would be amended as follows;

In relation to condition "After 23:00hrs – noise emanating from the premises etc" was not now offered on the basis that had removed part of application relating to recorded music.

In relation to condition "After 23:00hrs all external doors and windows will be kept shut at all times regulated entertainment is being provided" was not now offered as had removed part of application relating to recorded music. For the sake of clarity, "Doors may be

opened for normal entrance and egress of people but must be shut immediately thereafter” was still offered.

In relation to condition “Customers will not be permitted to take alcohol outside the premises etc” was still offered.

In relation to condition “The volume of amplified sound used in connection with the entertainment provided etc” was still offered.

Due regard by the Licensing Sub Committee was given to the written and oral representation of the two members of the public. Those objections related to the licensing objective of the prevention of public nuisance and in particular concerns about noise at night especially in the outside part and when customers were dispersing. Concerns were expressed that the application for the extended licensable activity was for every day of week, rather than one day a week. Following the discussion with the applicant and representative the representors at the hearing stated that they felt reassured.

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 decision was to grant the application to vary the licence on the basis of the agreement between the parties, as outlined above.

Reasons for decision

The Licensing Sub Committee took into account the agreement made between the parties and were content, on the basis of that agreement, that the variation to the licence would not undermine the licensing objective of public nuisance.

The Licensing Sub Committee also took into account that no Responsible Authority had made a representation.

The Licensing Act 2003 provides a right of appeal to the Magistrates’ Court in respect of a variation application 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 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.