

Licensing Act Sub-Committee – Record of Hearing held on Tuesday, 2 July 2013 at 6.00 pm

Members: Councillor Shuttleworth (Chairman) Councillors Cooke and Hearn

1 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct. (Please see note at end of agenda).

None were received.

2 New Premises Licence - Bright Ideas Studio Ltd, Unit 3 The Waterfront, Sovereign Harbour

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

The Senior Specialist Advisors outlined the report regarding the application for a new premises licence for Bright Ideas Studio Limited, Unit 3, The Waterfront, Sovereign Harbour, Eastbourne.

Steps taken by the applicant to promote the four licensing objectives were set out in Appendix 1 of the report.

During the consultation process, written representation had been received from a member of the public, Mr Falconer, objecting to the application under the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives. The Committee indicated that they had already had the opportunity to read those representations prior to the meeting.

The applicant had sent an email outlining their business plan on the 29th May 2013. A copy was sent to Mr Falconer who stated that they wished to maintain their representation.

An email was received on the 16th June 2013 from Jan Weeks on behalf of Sovereign Harbour Residents Association and Neighbourhood Panel in support of the applicant. This was included at Appendix 5.

Further correspondence had been received from Mr Falconer who stated that he had no concerns with the applicant's proposals and wished them luck but had concerns relating to the planning permission of the premises. The Senior Specialist Advisor clarified to all present that the Planning Authority had confirmed that a change of use had been granted to use class A1/A3 to allow the premises to trade as a restaurant/café bar. This had been granted in accordance with agreed plans to commence within 3 years. Further planning permission would need to be sought for a change of use (to use class A4) were there a desire in the future to covert the premises into a pub.

The applicant, Mr Nock then addressed the Sub-Committee. He made reference to the Business Overview that was circulated prior to the meeting. Seasons, the trading name for the premises was a new and unique restaurant/café/deli and retail experience based around fine food and drink. Seasons would specialise in sampling, serving and selling produce from land, sea and vine that had been carefully chosen due to its quality, taste and individuality. The majority of alcohol sales would be accompanied with food; however customers would also have the opportunity to purchase food and drink to take away. During these difficult economic times, the applicant and his wife were looking to contribute positively to the Harbour and local community.

Mr Nock then gave an overview of his business history and his involvement in the local community. The Sub-Committee was also advised that Mr Falconer, who was objecting to the application, also ran a business at the Waterfront. Mr Nock informed the Sub-Committee that Seasons had been moved to avoid being right next to Mr Falconer's business. Mr Nock addressed Mr Falconer's objection and stated that the application should be judged on its own merits, and that consideration over any future ownership of the premises should be discounted.

Mr Nock then addressed the licensing objectives, notable those relating to the prevention of crime and disorder, prevention of public nuisance and public safety that Mr Falconer had highlighted in his representation. Mr Nock gave an overview of the CCTV system that had been installed internally and externally. Mr Nock stated that security was of paramount importance to him and his wife. The Sub-Committee was advised that security guards are on-site at the Waterfront seven days a week until 2.00am; therefore unsupervised drinking and public disorder incidents are practically non-existent.

Mr Nock then gave an overview of the staff training that would occur at the premises. All staff would go through an induction period to ensure they provide a responsible, consistent and professional level of service at all times. The proposed hours of operation would ensure that the premises would not be open too late with 10pm being the closing time Monday – Saturday and 8pm being the closing time on Sunday.

Mr Falconer had suggested in his representation that alcohol should be restricted to being served with food only. Mr Nock responded that he was not prepared to include that as a condition on the licence. The premises were not designed to market an "off-licence" service, only the ability for customers to purchase a bottle of wine from a retail perspective. The Sub-Committee was advised that none of the wines and beers would be at the cheaper end of the price scale and instead would be aiming at a "discerning" demographic.

Mr Nock concluded by informing the Sub-Committee that he had received many letters of support from residents of Sovereign Harbour. In response to a question from the Sub-Committee, Mr Nock confirmed that no other objections had been received in addition to Mr Falconer.

Councillor Ede then addressed the Sub-Committee in support of the application and recommended that the application be approved. He stated that the application was seen as a positive development for the Harbour and if

it was rejected, it would set a precedent for any future development. He continued that the application was an innovative idea and would not lead to anti-social behaviour, indicated by the operating hours that would ensure the premises would not be open too late.

Councillor Warner then addressed the Sub-Committee in support of the application, as a local resident of the Harbour and representative of the Sovereign Harbour Community Association and Neighbourhood Panel. He reiterated Councillor Ede in stating that the application was a positive development, and refusing the licence would go against the Council's cross party support in developing Sovereign Harbour. He stated that if there were any concerns relating to the risk of anti-social behaviour, the Police would've objected to the application.

Councillor Elkin then addressed the Sub-Committee in support of the application. He stated that the applicant had an exemplary trade record and made a huge contribution to a prominent part of the Harbour. He concluded that the licensing objectives had been addressed and the Senior Specialist Adviser had addressed the planning concerns raised by Mr Falconer therefore recommended that the application be approved.

Councillor Hearn raised the issue of alcohol being sold at 9:30am and asked the applicant whether they would consider moving the sale of alcohol to later in the day. Mr Nock responded that the premises was designed to be 60% retail and 40% restaurant and the operating hours reflect that. While the premises did not want to be advertised as a drinking establishment, it would be ideal if the opening hours and sale of alcohol could stay consistent with each other. The Senior Specialist Advisor clarified that it was normally the case for opening hours of premises to correspond with the sale of alcohol.

Councillor Ede responded to the concerns raised by Councillor Hearn by referencing other premises around Eastbourne that served alcohol early in the morning.

Following all the evidence presented to the Sub-Committee, Mr Nock concluded by thanking Councillor Ede, Elkin and Warner for speaking in support and was pleased that the application was seen as a positive development.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted, the four licensing objectives, guidance under Section 182 of the Licensing Act 2003, and the Council's Statement of Licensing Policy.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

RESOLVED: That the new premises application in respect of Bright Ideas Studio Limited be granted as set out in the attached appendix.

The meeting closed at 6.39 pm

**Councillor Shuttleworth
(Chairman)**