

Thursday, 7 December 2017
at 4.00 pm



Licensing Act Sub-Committee

Present:-

Members: Councillor Belsey (Chairman), Councillor Murdoch and Councillor Swansborough.

4 Apologies for absence.

There were none.

5 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.

There were none.

6 New Premises Licence - Nelson Coffee Co, 4 Terminus Road, Eastbourne, BN21 3LP

All parties present introduced themselves and the Chairman detailed the procedure to be followed at the meeting.

The Specialist Advisor for Licensing outlined the report detailing the application for a new premises licence for Nelson Coffee Co, 4 Terminus Road.

Details of the current premises licence and variation sought were appended to the report. When submitting an application for a variation to a premises licence under the Licensing Act 2003, the applicant is required to describe any steps they intend to take to promote the four licensing objectives, as defined by the Licensing Act 2003. These were appended to the report at Appendix 1.

The premises in question was located within the cumulative impact zone (CIZ) and where valid representations were received, the cumulative impact policy (CIP) creates a rebuttable presumption that the application be refused. It is up to the applicant to demonstrate that granting the application would not add to the cumulative impact caused by licensed premises and challenges already experienced in the area and would not undermine the promotion of the licensing objectives.

Following a consultation period of 28 days, one representation had been received from a member of the public who resided above the applicant's premises and were included as part of the agenda pack circulated. The representations centred on the prevention of public nuisance (noise).

Sussex Police, as a responsible authority had consulted with the applicant and agreed to a number of conditions including the provision of CCTV, a refusal and incident book, staff training, challenge 25 Policy and a reduction in hours Monday to Wednesday 0800 – 1700hrs and Thursday to Sunday 0800 – 2230hrs.

The applicant acknowledged the responsibility of promoting the four licensing objectives and that failure to adhere would result in a review process. Following all the evidence presented, the Sub-Committee retired to consider and determine the application.

Mr Nicholson, applicant addressed the Sub-Committee stating that the café had 38 covers, which would not be increased, eight covers would be provided outside between April and September only. Vertical drinking would not be permitted on the premises at any time. Signage asking patrons to remain respectful would be in place as would CCTV. Alcohol would be ancillary to the food provision with no drink offers. On two occasions the premises was granted a temporary license with 30 people attending without incident or complaint.

Mr Nicholson addressed Mr Smith's complaints in detail highlighting methods of waste management, no increase in patrons, no outside drinking after 9pm, and steps taken to prevent noise generated by staff when opening the premises.

Members queried the hours of delivery and the applicant confirmed they would be happy to ensure no deliveries occurred before 7am.

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

RESOLVED: That the application be approved.

The meeting closed at 4.31 pm

Councillor Belsey (Chair)