

Report to: Licensing Sub-Committee

Date: 7 August 2023

Title: Application for a variation of a premises licence for Glass House Royal Parade Eastbourne BN22 7AQ

Report of: Director of Service Delivery

Ward(s): Devonshire

Purpose of report: To consider representations made in relation to an application for the variation of a premises licence under the Licensing Act 2003 and make a decision on the application.

Officer recommendation(s): To consider representations made in relation to an application for the variation of a premises licence under the Licensing Act 2003 and make a decision on the application.

Reasons for recommendations: Relevant representations made within consultation period

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1 Introduction

- 1.1 Eastbourne Borough Council received an application for a variation of a premises licence under the Licensing Act 2003 for Glass House Royal Parade Eastbourne BN22 7QA by Shoes Simes.

The application is at **Appendix 1**, the plan is at **Appendix 2** and the current premises licence is at **Appendix 3**.

2 The Application

2.1 An application for the grant of a variation of a premises licence under the Licensing Act 2003 includes a change of plan (**Appendix 2**) and a summary table of existing and proposed activities is below:

	Existing	Proposed
Plays	N/A	Everyday 10:00 – 23:00 Indoors & Outdoors
Films	N/A	Everyday 10:00 – 23:00 Indoors & Outdoors
Live music	Everyday 15:00 – 21:00 Indoors & Outdoors	Sunday to Thursday 10:00 – 23:00 Friday to Saturday 10:00 – 00:00 Indoors & Outdoors
Recorded Music	Everyday 10:00 – 22:00 Indoors & Outdoors	Sunday to Thursday 07:00 – 01:00 Friday to Saturday 07:00 – 02:00 Indoors & Outdoors
Anything of a similar description within e, f or g	Everyday 15:00 – 22:00 Indoors & Outdoors	Everyday 10:00 – 23:00 Indoors & Outdoors
Late Night Refreshment	N/A	Sunday to Thursday 23:00 – 00:30 Friday to Saturday 23:00 – 01:30 Indoors & Outdoors
Supply of Alcohol	Everyday 11:00 – 22:00 on & off premises	Sunday to Thursday 07:00 – 00:30 Friday to Saturday 07:00 – 01:30 on & off premises
Hours premises are open to public	Everyday 10:00 – 23:00	Sunday to Thursday 07:00 – 01:00 Friday to Saturday 07:00 – 02:00
Conditions removed as a consequence of the proposed Variation	1. Alcohol shall only be sold for consumption off the premises in conjunction with the sale of food for takeaway. 2. A minimum spend of £8 of food for take away must be made before alcohol can be purchased. 3. No beer, lager or cider with an ABV of 6.5% or above, will be stocked, displayed for sale or sold.	

3 Licensing Objectives

- 3.1 When applying for a variation of 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. The Operating Schedule detailing these steps can be seen in the application form. This is included at **Appendix 1**.

4 Consultation Process

- 4.1 The Licensing Act 2003 requires applicants to advertise both on the premises and in a local newspaper in order to inform the public of the application. The application details are also advertised on the council's website. Several "Responsible Authorities" have also been consulted as part of the process. There was a consultation period of 28 days, from 12 June 2023 to the 10 July 2023, for representations to be made. The applicant conformed with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.2 There have been 27 representations against the application and 7 supporting representations for the application by residents and local businesses. These were under the Licensing Objectives of Prevention of Public Nuisance and Prevention of Crime & Disorder. These are included at **Appendix 4**.
- 4.3 Members are asked to note that not all the information provided within the representations are valid against the four Licensing Objectives within the Licensing Act 2003.

5 The Decision Making Process - The Licensing Objectives

- 5.1 In its decision making, the Licensing Sub-Committee must act to promote the four Licensing Objectives. All carry equal weight as part of the process. The Licensing Objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

- 5.2 A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a likely effect of a grant (i.e. more probable than not).

6 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance

- 6.1 Whilst each application will be considered on its merits, the Licensing Sub-Committee should act to promote the four licensing objectives and have due regard to:

- Eastbourne Borough Council's [Statement of Licensing Policy 2019 - 2024](#). (in particular parts 11 & 13)
- [Section 182 Guidance issued by the Home Office](#). (in particular parts 8 & 9)

7 Representations

- 7.1 A copy of the representations is included at **Appendix 4**.
- 7.2 Two mediation meetings were held between the applicant, local businesses and local residents. At the time of writing this report no compromise had been reached.

8 Options open to the Sub-Committee

- 8.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the Licensing Objections and may:
- Modify the conditions on the licence
 - Modify the hours of licensable activity
 - Reject the whole of the application
 - Reject part of the application
- 8.2 The Sub-Committee are asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 (Hearing) Regulations 2005, as amended.
- 8.3 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case-by-case basis.
- 8.4 The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.
- 8.5 The Sub-Committee may not impose any condition unless its discretion has been exercised following receipt of a relevant representation.

9 Financial appraisal

- 9.1 The cost of delivering the licensing function is fully covered by the Licensing fees.
- 9.2 A decision made by the Sub Committee may be appealed by any party to the proceedings to a Magistrates' Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

10 Legal implications

- 10.1 Under section 34 the Licensing Act 2003, a holder of a premises licence may apply to the Licensing Authority for a variation of a licence, in certain circumstances. Under section 35, when relevant representations are made during the consultation period the Authority must hold a hearing to consider the representations and having regard to those representations take such steps as it considers appropriate for the promotion of the licensing objectives.
- 10.2 Under section 181 and Schedule 5 (4) 2003 Act there is a right of appeal to the Magistrates' Court within 21 days of the appellant being notified of the written decision.
- 10.3 The Legal Section considered this report on 21 July 2023 (IKEN 12182-EBC-MW).

11 Risk management implications

- 11.1 There are no risks associated with the content of this report.

12 Equality analysis

- 12.1 An Equality Analysis is not constructive in this instance.

13 Environmental sustainability implications

- 13.1 There are no sustainability and/or carbon reduction implications associated with this report.

14 Appendices

- 14.1
- Appendix 1 - Variation application
 - Appendix 2 - Plan of premises
 - Appendix 3 - Current premises licence
 - Appendix 4 - Representations

15 Background papers

- 15.1 The background papers used in compiling this report were as follows:
- Section 182 Statutory Guidance to the Licensing Act 2003 available [here](#)
 - Eastbourne Borough Council Licensing Statement 2019-2024 available [here](#)
 - Human Rights Act 1998
 - Equality Act 2010
 - Crime and Disorder Act 1998