

Report to: Licensing Sub-Committee

Date: 27th June 2024

Title: Application for a Full Variation of a Premises Licence for Signor Panino, 8 Grove Road, Eastbourne, BN21 4TJ.

Report of: Chief Executive

Ward(s): Upperton

Purpose of report: To consider representations made in relation to a Full Variation of a Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Officer recommendation(s): To consider a representation made in relation to a Full Variation of a Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Reasons for recommendations: Relevant representation made within consultation period.

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1 Introduction

- 1.1 Eastbourne Borough Council received an application for a Full Variation of Premises Licence under the Licensing Act 2003 for **Signor Panino, 8 Grove Road, Eastbourne, BN21 4TJ**. The application is included at **Appendix 1**.
- 1.2 The current premises licence was granted on 21 December 2023, and can be found at **Appendix 2**.
- 1.3 **Current Permitted Licensable Activity**
- Sale by Retail of Alcohol** (on and off the premises)
Monday to Sunday 11:00hrs- 22:30hrs
New Years Eve until 01:00hrs.

2 The Application

An application for the grant of a Full Variation of a Premises Licence under the Licensing Act 2003 for the following licensable activities.

2.1 **Extend Sale by Retail of Alcohol (On the premises)**

Monday to Sunday 22:30hrs until 00:30hrs.

2.2 **Add Late Night Refreshment**

Monday to Sunday 23:00hrs until 01:00hrs.

2.3 **Add Recorded Music**

Monday to Sunday 23:00hrs until 01:00hrs.

2.4 **Add Opening Hours**

Monday to Sunday 23:00hrs until 01:00hrs.

3 **Licensing Objectives**

- 3.1 When applying for a Full Variation under the Licensing Act 2003, the applicant has the option to include any additional 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 the 3rd May 2024 until midnight on the 31st May 2024, for representations to be made.
- 4.2 The applicant complied with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.3 During the consultation period one representation made by two members of the public was received. This can be found at Appendix 2.
- 4.4 At the time of writing this report it is uncertain if the applicant made contact in an attempt to mediate with the representors.
- 4.5 Members are asked to note that not all the information provided within the representation is valid against the four Licensing Objectives within the Licensing Act 2003.

5 **The Decision Making Process - The Licensing Objectives**

- 5.1 In their 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 variation 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 will act to promote the four licensing objectives and have due regard to:

- Eastbourne Borough Council’s [Statement of Licensing Policy 2019 - 2024](#).
- [Section 182 Guidance issued by the Home Office](#).

7 **Representations**

7.1 A copy of the representations are included at **Appendix 3**.

7.2 **Interested Parties:**

One representation has been received from two people, the representors have comments under Prevention of Public Nuisance.

7.3 **Representations from Responsible Authorities:**

The following summarises whether representations have been received from responsible authorities:

- **Sussex Police** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Environmental Health** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Health and Safety** - No representation.
- **Eastbourne Borough Council (Specialist Advisor) Planning** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Licensing** – No representation.
- **East Sussex Fire and Rescue Service** – No representation.
- **Area Child Protection Team** – No representations.
- **Trading Standards (East Sussex County Council)** – No representation.
- **Primary Care Trust** - No representation.

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 Objectives 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 and is satisfied that it is appropriate to promote one or more of the licensing objectives.

9 Financial appraisal

- 9.1 There are no specific financial implications arising from this application as 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 Licensing Act 2003 (as amended) 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 Licensing 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 (1) and (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 17 June 2024 (IKEN 13014-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 - Application for a full variation
 - Appendix 2 – Current premises licence
 - Appendix 3 – 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.