

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 9 JULY 2024

VIRTUAL

DECISION LIST

Part One

3 THE BOTANIST COFFEE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: Brunswick & Adelaide

Licensing Panel hearing held on Tuesday 9 July virtually in respect of the application for a new premises licence for The Botanist Coffee, 67C Church Road, Hove, BN3 2DB

The panel has read all the papers including the report and relevant representations and listened to the submissions put forward at the hearing. The panel has also had regard to the council's Statement of Licensing Policy (SOLP) and the section 182 Licensing Act 2003 statutory guidance.

The application is for a new premises licence, authorising the sale of alcohol by for consumption on the premises between 10.00 and 22.00 hours every day, live music indoors between 10.00 and 22.00 hours and recorded music indoors and outdoors between 06.00 and 22.00 hours.

The premises are situated within the Special Stress Area (SSA). This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within it. New and varied applications for premises licences within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in that area.

A "matrix" approach to licensing decisions has been adopted by the council in its SOLP. It sets out a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success to any applicant. The matrix provides for a terminal hour of 10pm for cafes in the SSA.

One representation was received from a local resident setting out concerns

relating to the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The objector did not attend the hearing, but having heard from the Licensing Officer about steps taken to inform them of the date and time of the hearing, we determined that it was in the public interest to proceed. The Licensing Officer also confirmed that she was satisfied that notice of the application had been properly advertised.

We also heard from a director of the applicant company.

In their presentation, and in answer to questions we were told that:

- *The premises currently operate as a relaxed coffee house.*
- *When under the ownership of Small Batch Coffee Company, the premises had the benefit of a licence authorising the sale of alcohol. Unfortunately that licence had lapsed.*
- *Customers had voiced support for longer hours and for alcohol to be made available.*
- *The alcohol offer would be limited to Gin & Tonic, Wine, Spritzers and the like, but no pints or draughts.*
- *The plan was to expand to acoustic live music and low- key events, but music would be played at an ambient level.*
- *There were 2 small domestic amplifiers on the back wall, so music noise was unlikely to be an issue. In any event, the premises stand alone, so there is no risk of noise/vibration transmission.*
- *Comprehensive conditions had been agreed with the Police and Environmental Health. As part of the agreement the off-sales element of the application had been withdrawn.*

The panel has considered this application on its merits. It welcomes the applicant's active engagement with the Police and Environmental Health, the agreed conditions and the removal of off sales. The agreed conditions should ensure that the operation of the premises will not add to problems in the vicinity. The proposed terminal hour of 22.00 is compatible with the matrix.

The application is therefore granted with the conditions agreed with the Police and Environmental Health. The Panel believes that those conditions are appropriate for the promotion of the licensing objectives.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

Appeal Rights

(Section 181 and schedule 5 of the Licensing Act 2003)

The applicant may appeal against the decision to impose conditions on the licence.

Any person who made a relevant representation who desires to contend that the licence ought not to have been granted, or that on granting the licence, the licensing authority ought to have imposed different or additional conditions, may

appeal against the decision.

All appeals must be made to Magistrates' Court, Edward Street, Brighton, within 21 days of notification of this decision letter. A fee is payable upon lodging an appeal.