

Licensing
Eastbourne Borough Council

Flat 3, 12 Lushington Road
Eastbourne
BN21 4LL

26th February 2019

To whom it may concern

I have been to see a council advisor to voice my objection to the premises alcohol license being applied for at 32 Cornfield Road, Eastbourne, East Sussex, BN21 4QH.

I am writing this letter as the landlord of 32b Cornfield Road and representative of my tenant and future tenants. The council advisor asked me to send an email to the licensing department detailing all of my concerns. This should also be followed up by my residential neighbours Mrs Bell and Ms Wilson of 34a and 32a Cornfield Road respectively making representations. In addition I have spoken to the restaurant business owners of Ashoka, 28-30 Cornfield Road who shall also be objecting.

Based on the Licensing Act 2003, a licensing authority must carry out its functions with a view to promoting the licensing objectives.

The main reasons for my objection are that if this license is given, it will be against 2 of the 4 licensing objectives of the Licensing Act 2003:

- the prevention of public nuisance
- the prevention of crime and disorder

My husband and I used to own the freehold of the property and renovated the property, so we know better than anyone that the ceiling/floor construction is soundproofed only up to basic requirements for an A2 retail premises (as instructed by building control).

For there to be live/recorded music played and a dj playing every Friday and Saturday, and there is not any transference of sound pollution to upper residential flats, it would require a lengthy procedure. Especially being that the 32B Cornfield Road flat bedroom is directly above. This would entail robust and space invading construction on the walls and ceiling. The shop itself is relatively small and when all the additional insulation/boarding materials are taken into account then it makes it an unfeasibly small with extremely low ceilings.

In the EASTBOURNE BOROUGH COUNCIL STATEMENT OF LICENSING POLICY 2014-2019, at paragraph 14.0 Prevention of Public Nuisance, it states: *"The Licensing Authority will require operators to demonstrate how matters will be addressed to limit public nuisance, prevent disturbance and protect amenities....Amplified music or other entertainment noise from within the premises shall be inaudible within any residential premises. The test for compliance with 'inaudibility' will be that noise should be no more than barely audible outside of nearby business and residential properties."*

How the applicant can guarantee that noise will be barely audible outside or in nearby residential properties when a bedroom is exactly above the shop? A shop which is surrounded by residential properties and does not have any sound proof for music.

Again in the statement of Licensing Policy 2014-2019: *"The Licensing Authority will take into consideration a range of issues: The proximity of residential accommodation. The type of use proposed, including the likely numbers of customers, proposed hours of operation, nature of regulated entertainment and the frequency of activity"* On the site notice of the application it's written: supply alcohol Monday to Sunday, Dj Fridays and Saturdays, comedy private event on Thursdays, plus live music once a month, which confirms that loud music and noises will not be something that will happen occasionally but always.

The statement also states: *"Steps taken to prevent disturbance by customers arriving at or leaving the premises will also need to be detailed....The steps taken or proposed to be taken by the applicant to prevent customers queuing. If queuing is inevitable, then queues should be diverted away from neighbouring premises and residential accommodation or be otherwise managed to prevent disturbance or obstruction."*

It will be physically impossible to take any steps to prevent disturbance from customer arriving or leaving as the proximity of the residential properties. Due to the incredibly small size of the shop queuing outside it's a highly possible scenario. Which measures the applicant will put in place to make sure customers don't make noise, especially after a few drinks?

The Statement of Licensing Policy also indicates some measures to limit noises at paragraph 14.5: *"Such measures may include: Keeping windows and doors shut save for access and egress. The installation of soundproofing, air conditioning, acoustic lobbies, acoustic devices and sound limitation devices."*

This would naturally lead to the question: whether the premises has space required for adequate ventilation in and outside the commercial property? AC units would need to be installed but there is no space at the rear as this falls immediately on to a highway, and at the front there is no potential space either. Therefore what will happen during the hot humid summer nights, as then if doors and windows are left open at the front or back it will nullify any soundproofing measures.

Complaints about noise disturbance have been made in the past as well.

Ms. Sian Wilson (previously Mrs. Kingham) made complaints about the previous bar (now just a restaurant) at the 30 Cornfield Road. Her flat is 32A Cornfield Road is partly on the 1st and 2nd floors of the building. Her bedroom was on the 2nd floor and still heard vibrations and noise coming from the next door building (ground floor). There should be records of these complaints at the council.

At the paragraph 8.0 (Cumulative Impact) of the same Statement: *"The impact of the number, type and density of licensed premises in a given area may lead to problems of noise, nuisance, crime and disorder outside.....Cumulative Impact is defined as the potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area.....In July 2007, the Licensing Authority determined that the concentration of licensed premises in a specified area of the*

town centre causes crime, disorder and public nuisance. In 2007, it was agreed that this area should be subject to Cumulative Impact Policy."

Near 32 Cornfield Road we have three restaurant (Ashoka, Pizza Express, Solo Pasta), Wetherspoon, Husdons and Morgans just around the corner.

Public nuisance has become a major issue recently. I have also been a resident on Lushington Road for over 10 years (an adjacent street to Cornfield Road, around the corner) and especially on the weekend you can hear the noise of drunk people coming out from the businesses on Cornfield Road.

This corner of town between Cornfield Road, Lushington Road, Lushington Lane, South Street become a hot spot and a pilgrim route. Especially on weekends but very often also on weekdays, people who have been to the bars/pubs on South Street walk through Cornfield Road to get to Terminus Road to the clubs). In the opposite direction we also have people coming from Terminus Road going in the direction of South Street and Station Street.

Cornfield Road has become the centre of the night life movements, residents have to cope constantly with people shouting, noises, drunk people kicking down rubbish bins, broken glass on the pedestrian pavement etc.

Furthermore on Lushington Lane, which backs on to the rear of Cornfield Road and the property in question, I have seen a growing number of criminal activities taking place such as alcohol consumption, drug taking and what seems to be undesirable characters hanging around in the shadows on Lushington Lane for illegal activities and deals.

I pass through the back of the property in question (32 Cornfield Road) every day to park my car and especially in the evening I don't feel safe. In fact I have reported to the police a few months ago a woman injecting herself on this lane.

Another licensed premises would be likely to exacerbate the situation further. With more drunk people and the possibility of increasing the amount of drugs around this area. There are already 7 licensed premises on Cornfield Road and the bottom of South Street which are all within a 25-30 metre radius of the property.

How the *"the licence holder will take all reasonable steps to promote responsible drinking, and put mechanisms in place to control excessive consumption of alcohol"* as states at the paragraph 12.2 of the Statement? Especially when we already have enough alcohol related problem in the area?

I truly hope you understand how negative it will be the impact of this licence for the people living above the shop at number 32 and around.

In The Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2017) at paragraph 1.5, it is stated:

" However, the legislation also supports a number of other key aims and purposes.... protecting the public and local residents from crime, anti-social behaviour and noise nuisance.....providing a regulatory framework for alcohol which reflects the needs of local communities..."

I firmly believe that approving this licence will be contradictory to the principles of the Licensing Act 2003 as demonstrated and supported above.

Finally, please could you acknowledge the receipt of the letter and that my representation has been made? Thank you in advance for your consideration.

Yours faithfully

Mrs Martina Ercolini



Mr Rabin Paul
29 Dawlish Drive
Ilford
IG2 0ED

Email: [REDACTED]

26 February 2019

Eastbourne Borough Council
Customer First Team
1 Grove Road
Eastbourne
BN21 4TW

To whom it may concern,

Site Notice of a New Application of a Premises Licence – 32 Cornfield Road

I am the leaseholder of 28-30 Cornfield Road and write with regard to the site notice of a new application of a premises licence of 32 Cornfield Road, dated 5 February 2019.

I would like to make the following representation as I am deeply concerned that granting a licence in the terms that Ms Jaswant Bhopal has applied for is likely to have an adverse effect on the promotion of the prevention of public nuisance.

The notice refers to live music once a month, comedy and DJ functions from 20:00-23:00 - this is likely to cause significant noise pollution and vibration from the premises, and given that alcohol may be sold during such events, this will exacerbate the potential of public nuisance.

As such, this application for a licence should not be granted by Eastbourne Council.

I would be grateful if you could consider my representation and respond as soon as possible to my email address stated above.

Kind regards,

Mr Rabin Paul

I am writing to object most strongly to the application made to turn 32 Cornfield Road into a licensed club. My neighbour, Martina Ercolini has already written most eloquently concerning this matter and I wholeheartedly agree with her letter dated 26th February. Please make note of this fact. She has covered most points, apart from the smoking issue below.

I am the owner/occupier of 34a Cornfield Road and my living room and bedroom are overlooking Cornfield Road. Because this is the narrowest pavement in the area, smokers will no doubt congregate outside in the road and blocking the pavement - the door will be open with the noise blaring out into the surrounding area (smoke wafting up into my living room and bedroom).

I am surprised that I received no postal notification from yourselves, nor are there any notices posted on adjacent lamp-posts.

This would have gone unnoticed by me and my neighbours if Ms Ercolini had not brought it to my attention.

Please do not let Cornfield Road deteriorate any further.

Finally, please could you acknowledge the receipt of this letter and that my representation has been made.

Thank you in advance for your consideration.

Yours faithfully

Melanie Bell

