

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 29 July 2015

- Premises Licence Holder: Miss Jenya Dinchera Dimitrova
- Premises: HJ Food Ltd trading as Ocean Gastronom, 9 Seaside Road
- Reasons for Hearing: Relevant representations received from responsible authorities under the prevention of crime and disorder licensing objectives.
- Parties in attendance: Licensing Authority:
Mrs Danielle Ball (Specialist Advisor (Licensing))
Mr Adrian Albon (Specialist Advisor (Pollution and Licensing))
- Legal Advisor:
Mrs Joanne Stone (Solicitor)
- East Sussex County Council Trading Standards:
Mr Graham Wolstenholme and Mr Barnaby Brown
- Decision made:
- That the Designated Premises Supervisor be removed from the licence
 - That the licence be revoked.
- Reasons for Decision: The Sub-Committee have removed the Designated Premises Supervisor (DPS) from the licence and revoked the licence having given due weight to the evidence placed before it, as well as the regulations and guidance from the Home Office, the Licensing Act 2003, the Council's Statement of Licensing Policy and the licensing objectives.
- The Sub-Committee had made this decision because of the sale of illegal and smuggled tobacco products at the premises; the negative impact this had on the local trading community, and due to the track record of the licence holder and staff under her control who had acted completely irresponsibly and had failed to promote the licensing objectives.
- The Sub-Committee considered that East Sussex Trading Standards had provided sufficient evidence to show a serious

failure on the part of the licence holder to promote the licensing objectives relating to the prevention of crime and disorder and public safety and the only course available to them based on the facts presented was to revoke the licence to ensure the licensing objectives were promoted.

The Sub-Committee gave particular regard to the persistent failings of the DPS to promote the licensing objectives at the premises. This was demonstrated by the breach of licensing conditions including the broken CCTV system, not updating the refusal book and most importantly the complete lack of control as admitted by the DPS and licence holder in her interview under caution.

The Sub-Committee did not consider that the removal of the DPS in itself would be sufficient to ensure the licensing objectives were promoted. This was due to the evidence that the licence holder and DPS held the same posts at other premises that were subject to investigation and review proceedings for similar offences, but this had not led to the introduction of any control to the premises in Eastbourne.

Date of Decision: 29 July 2015

Date decision notice issued: 31 July 2015

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant for the review, the holder of the premises licence and any other person who made relevant representations in relation to the application.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.