

Licensing Sub-Committee

Minutes of meeting held remotely on 16 March 2021 at 6.00 pm.

Present:

Councillor Robin Maxted (Chair).

Councillors Colin Belsey and Colin Swansborough.

Officers in attendance:

Danielle Ball (Specialist Advisor - Licensing, Service Delivery), Michele Wilkinson (Lawyer (Housing & Regulatory)) and Elaine Roberts (Committee Officer).

Also in attendance:

Paul Thornton (Specialist Advisor - Licensing), Kirsty Rolfe (Civilian Licencing Officer, Sussex Police), PC Buck (Sussex Police).

24 Appointment of Chair

Councillor Belsey proposed and Councillor Swansborough seconded that Councillor Maxted be appointed as Chair for this meeting.

RESOLVED: That Councillor Maxted be appointed Chair for the meeting.

25 Minutes of the meeting held on 27 January 2021

It was noted that approval of previous meeting minutes was not a required agenda item for Licensing Sub-Committees.

26 Apologies for absence / declaration of substitute members

There were none.

27 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and other interests as required by the Code of Conduct

There were none.

28 Application for a new premises licence: Chef H, 27-32 Langney Road, Eastbourne

The Chair asked each person present to introduce themselves and checked that all parties had received a copy of the procedure for the meeting.

The Agent for the Applicant, Mr Ziya Merton, declared he would be speaking

on behalf of the Applicant, Mr Borisov.

The Chair asked the Specialist Advisor, Danielle Ball, to present her report.

The Specialist Advisor presented a report which outlined the application and highlighted relevant policy considerations.

The Chair invited questions from, firstly, the Members and then from the Agent (on behalf of the Applicant) and finally from those parties who had made representations.

There were no questions for the Specialist Advisor.

Following an invitation from the Chair, Paul Thornton from the Eastbourne Licensing Authority (ELA), addressed the Sub-Committee, where he highlighted the grounds for the representation. Namely that the application, in its current form, did not address that the premises were in the Cumulative Impact Zone. In addition, the application lacked the necessary detail (not specific to the premises) and would undermine the licensing objectives.

The Chair invited questions for Mr Thornton, firstly from the Members of the Committee, and then from the Agent (on behalf of the Applicant).

Members sought further explanation on certain view points expressed in the ELA's representation and asked for clarification on how discussions with the Applicant and his Agent had been managed in the run up to the sub-committee.

The Agent, Mr Merton, had no questions, but took the opportunity to explain the delayed response from the applicant, mentioned in the ELA's representation.

The Chair then invited Ms Kirsty Rolfe, Civilian Licensing Officer, to address the Sub Committee with the representation from Sussex Police.

Ms Rolfe outlined the concerns of the Police, namely, that granting the application as it stood currently would undermine the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety. The Police presented evidence that the premises were in a hot spot for crime and disorder and expressed particular concerns about the proposed late-night hours. Further concerns included lack of detail regarding staff training and that the applicant had not properly addressed or understood the Council's Cumulative Impact Policy. The Police also noted that the applicant's representative had not engaged with them about their concerns before the hearing.

Following Ms Rolfe's presentation, the Chair then invited questions, firstly from the Members of the Committee, and then from the Agent (on behalf of the Applicant).

Members queried the management of mediation opportunities for the application and sought clarification on the views of the police, both from Ms Rolfe and from PC Buck, regarding potential conditions that could be applied to the application.

The Agent, Mr Merton, had no questions and stated that he would seek to address the queries raised in the meeting in his presentation.

The Chair then invited Mr Merton, representing the applicant, to address the Sub Committee.

Mr Merton began with an apology and an explanation for his part in the break down in communications preceding the hearing. He then put forward a list of suggestions that his client would be happy to offer to allay concerns expressed in the representations, including those made by neighbours in the nearby vicinity.

In summary, these included:

- Reduced licensable hours for late night refreshment to: Mon - Thurs 23:00 to midnight, and Fri -Sat 23:00 to 3:00am.
- Have two doormen from 23:00 to 30 mins after closing
- Immediate action by staff member in the event of an incident including immediate notification to responsible authorities
- Clarification that all alcohol orders would be ancillary to a food order and sold in sealed containers.
- That alcohol (beer and wine only) would not be displayed.
- Background music would only be played inside the premises and stop at 10pm
- Lighting had been chosen to minimise disturbance to neighbours
- Deliveries and collections would be arranged at times to minimise disturbance to residents
- All staff would be trained in alcohol sales (every six months), on spotting potential danger to customers; and conflict management.
- Notices would be posted on entrance and exits to remind customers to leave quietly
- No alcohol sales to underage or intoxicated people
- Installation of CCTV - and alcohol would not be sold if the CCTV was not in operation for any reason
- Maintenance of an incident book, a refusal register and an in-house accident book at the premises (+ first aid kit)
- Staff would regularly clean the immediate vicinity to help prevent litter.
- Clarification that alcohol sales were not a key part of the business model for Chef H. The focus was on takeaway and would include healthy options to the traditional menu with a view to attracting custom from users of the near-by late night gym
- Confirmation that the applicant held a personal licence and has several years' management experience in the food service industry including licensed premises

The Chair invited Members to ask questions of Mr Merton.

Councillors asked several questions and Mr Merton replied, referring and expanding on the points laid out in his addressing remarks and contained in the application. He also clarified queries from members that related to the potential conditions that could be considered for the application, and sought to address the concerns and queries that had been raised.

The Chair invited representatives for the Police and the Eastbourne Licensing Authority to ask questions of the Agent.

Ms Rolfe, on behalf of the Police, asked Mr Merton to clarify the details around his proposal for alternative, earlier closing times. The ELA sought clarification around staffing arrangements, especially around closing times, and manager presence; conditions of the sale of alcohol, including refraining from display; and seating arrangements and sought the Agent's views on potential application conditions relating to these issues.

The Chair then invited closing remarks, firstly from the representatives for the Police and the Eastbourne Licensing Authority and finally, from the Agent, Mr Merton, on behalf of the applicant, Mr Borisov.

Ms Rolfe, on behalf of Sussex Police, noted in her closing remarks that the key issues around the Cumulative Impact Zone had been addressed to her satisfaction at the meeting and that it would be her recommendation that operational hours were reduced to 1am.

Mr Thornton, on behalf of the ELA, noted in his closing remarks that inclusion of conditions around the presence of a personal licence holder, seated customer numbers, display of alcohol and alcohol only with food would alleviate the concerns of the ELA.

Mr Merton, as agent acting on behalf of Mr Borisov, concluded that he hoped his presentation had alleviated concerns and that if the licence was granted, the applicant would want to continue to work with both the Council and residents to ensure a well-run business.

Before retiring the Sub-Committee confirmed that the decision would be determined and a decision notice published within five working days.

The Sub Committee retired at 8:07pm pm to consider and determine the application. Michele Wilkinson as Legal Adviser was in attendance to assist with any legal queries.

Having taken into account all the relevant considerations, the Sub Committee published its decision notice on Tuesday 23rd March.

RESOLVED: That the application for a licence for Chef H, 27-31 Langney Road, Eastbourne be approved subject to the modified hours and conditions as set out in the Decision Notice published on the Council's website.

The hearing ended at 8.07 pm

Councillor Robin Maxted (Chair)