

Licensing Sub-Committee

16 March 2021



Working in partnership with **Eastbourne Homes**

Time: 6.00 pm

PLEASE NOTE: This will be a 'virtual meeting', held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

Members of the press and public can view the meeting by clicking on the link provided on the agenda page on the Council's website or calling the number provided.

Instructions for members of the committee, officers and other participants to join the meeting have been circulated separately.

Membership:

Councillors Colin Belsey, Robin Maxted and Colin Swansborough.
Councillor Pat Rodohan (Reserve)

Quorum: 3

Published: Monday, 8 March 2021

Agenda

- 1 Appointment of Chair
- 2 Minutes of the meeting held on 27 January 2021 (Pages 3 - 4)
- 3 Apologies for absence / declaration of substitute members
- 4 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
- 5 Application for a new premises licence: Chef H, 27-32 Langney Road, Eastbourne (Pages 5 - 56)

Information for the public

Accessibility:

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Information for Councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

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Working in partnership with **Eastbourne Homes**

Licensing Sub-Committee

Minutes of meeting held remotely on 27 January 2021 at 6.00 pm.

Present:

Councillor Robin Maxted (Chair).

Councillors Peter Diplock and Jim Murray.

Officers in attendance:

Paul Thornton (Specialist Advisor - Licensing, Service Delivery), Michele Wilkinson (Lawyer (Housing & Regulatory)), Emily Horne (Committee Officer) and Elaine Roberts (Committee Officer)

18 Introductions

The Committee Officer asked members of the Committee to introduce themselves during the remote meeting, including officers and the driver.

19 Appointment of Chair

Councillor Diplock proposed and Councillor Murray seconded that Councillor Maxted be appointed as Chair for this meeting.

20 Apologies for absence/declaration of substitute members

There were none.

21 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.

22 Exclusion of Public

RESOLVED: That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in schedule 12A of the Local Government Act 1972. Paragraph 1 and 2 – Information relating to an individual or likely to reveal the identity of an individual.

23 Determination of a dual Hackney Carriage and Private Hire Driver Licence

The Sub-Committee considered the Officer's report, the representations made and whether the applicant was a 'fit and proper' person to continue to hold a Dual Drivers Licence.

RESOLVED - The Licensing Sub Committee decided to suspend the Licence holders' dual driver's licence until he had undertaken Safeguarding training and provided to the Licensing Section of Eastbourne Borough Council proof of attendance on that training. In addition, the Sub Committee decided to give a written warning which will stay on his record for 18 months. This decision is not with immediate effect and will therefore take effect after 21 days.

The meeting ended at 8.15 pm

Councillor Robin Maxted (Chair)

Report to: Licensing Sub-Committee

Date: 16th March 2021

Title: Application for a new Premises Licence. Chef H, 27-31 Langney Road, Eastbourne BN21 3QA

Report of: Director of Service Delivery

Ward(s): Devonshire Ward

Purpose of report: To consider representations made against the new Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Officer Recommendations: To consider representations made against the new Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Reasons for Recommendations: Relevant representations made within consultation period

Contact Officer(s): Name: Danielle Ball
Post title: Specialist Advisor - Licensing
E-mail: Danielle.Ball@lewes-eastbourne.gov.uk
Telephone number: 01323 415333

1 Introduction

1.1 Eastbourne Borough Council received an application for a new Premises Licence under the Licensing Act 2003 for Chef H at 27-31 Langney Road, Eastbourne BN21 3QA from Latin Borisov, made on his behalf by his agent Ziya Merton. The application is included along with the plan of the premises at **Appendix 1**.

1.2 This premise hold's a Premises Licence under the Licensing Act 2003, the current licence was suspended in October 2019 due to non-payment of the annual fees. This licence will remain as a suspended licence until it is surrendered by the current licence holders.

2 The Application

2.1 An application for the grant of a new premises licence under the Licensing Act 2003 for the following licensable activities:

Late night refreshment (indoor and outdoor)

Monday –Saturday 23:00-04:00

Supply of alcohol (off the premises)

Monday- Sunday 11:00- 23:00

Opening Hours

Monday- Saturday 11:00-04:00

Sunday 11:00- 23:00

3 Licensing Objectives

3.1 When applying for a new premises licence under the Licensing Act 2003, the applicant is required to describe any 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 21st January 2021 to the 18th February 2021, for representations to be made, the applicant conformed with all the requirements as laid out within the The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

4.2 During the consultation process Sussex Police have submitted a representation based around the Premises being located within the Cumulative Impact Zone and their concerns that the Premises would not effectively promote the Licensing objectives. A copy of this representation is included at **Appendix 2**.

4.3 Eastbourne Borough Councils Licensing team have submitted a representation based around the Cumulative Impact Zone. A copy of this email is included at **Appendix 3**.

4.4 There have also been four representations submitted by interested parties. These are included at **Appendix 4 to 7**.

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

A representation is a 'relevant representation' if it is about the likely effect of the grant 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 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members' Room.

6.2 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.

6.3 Eastbourne Borough Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the Licensing Act 2003. An overview appears below.

6.4 The Prevention Of Crime and Disorder

The Council's Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.5 Public Safety

The Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the physical safety of patrons. This might include the imposition of conditions regarding capacity and mechanisms to promote responsible drinking. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.6 Protection of children from harm

The Statement of Licensing Policy requires that operating plans must specify the measures and management controls in place to protect children from harm. Conditions can be placed to restrict access to children to the premises during

certain times or when certain licensable activities are taking place. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.7 Prevention of Public Nuisance

The Statement of Licensing Policy states that within the Operating Schedule, applicants will be required to demonstrate how they intend to prevent nuisance arising, disturbance occurring and mechanisms to protect amenities. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

7 Cumulative Impact

7.1 The premises in question are located within the Cumulative Impact Zone. It is recognised that 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 of, or a distance from licensed premises.

7.2 Cumulative Impact is defined as the “potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area,” and is a proper matter for consideration by the Licensing Authority.

7.3 The Licensing Authority may receive representations from a Responsible Authority or ‘Interested Party’ (any person) that the cumulative affect of licences is leading to an area becoming saturated. This creates exceptional problems of disorder and nuisance, over and above the impact from individual premises which undermines the promotion of one or more of the licensing objectives.

7.4 Where valid representations are received, the Cumulative Impact Policy creates a rebuttable presumption that the application will be refused.

It is for the applicant to address the Cumulative Impact Policy and produce evidence to demonstrate that the matter:

- (a) Will not add to the cumulative impact caused by licensed premises and challenges already experienced in the area;
- (b) Will not undermine the promotion of the Licensing Objectives.

7.5 The Cumulative Impact Policy clearly states that new licence applications and variations to existing licences, in the Zone should be refused, unless Members are satisfied that the applicant has provided evidence to show that premises will not exacerbate existing issues in the locality, or undermine the promotion of the Licensing Objectives.

7.6 It is stressed that the presumption to refuse an application does not relieve the Responsible Authority or anyone else making a representation of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider the effect of the Cumulative Impact Policy.

7.7 The Cumulative Impact Policy can be found within the Council's Statement of Licensing Policy 2019 – 2024.

8 **Representations**

8.1 A copy of all the representations are included at **Appendix 2 to 7**, however a summary appears below:

'Interested Parties'

Four representations have been received, generally based around crime and disorder and the public nuisance licensing objectives. It has been agreed that some of their personal details need not be supplied to the applicant as the Council accepts their justified concerns.

Representations from Responsible Authorities

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

- **Sussex Police** –Representation around the premises being based within the CIZ.
- **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** – Representation around the premises being based within the CIZ
- **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

8.2 On the basis of the representations, it is considered unlikely that this application will be successfully mediated before the Sub-Committee hearing.

9 **Options open to the Sub-Committee**

9.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the Licensing Objections and may;

- Grant the Licence in the same terms as it was applied for.
- Grant the Licence, but modify the conditions as appropriate for the promotion of the licencing objectives
- Grant the Licence, but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives
- Reject the application.

9.2 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.

9.3 The Sub-Committee may also consider any other matters that may negatively impact upon the Licensing Objectives and exercise their powers to impose conditions, or take the appropriate action as they see fit, in order to promote the Licensing Objectives

9.4 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. The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives. 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.

10 **Legal Considerations**

10.1 Under section 18 Licensing Act 2003 (as amended), following receipt of an application for a premises licence if relevant representations are received, and unless all parties agreed that a hearing is unnecessary, then the Licensing Authority must hold a hearing. At the hearing the Sub Committee shall having regard to the representations take such steps as it considers appropriate for the promotion of the licensing objectives. The relevant options are outlined in para 9.1 of this Report.

10.2 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the 2003 Act. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human Rights Act 1998.

10.3 The Legal Section considered this Report on 2 March 2021 (Iken-9899-EBC-MW)

11 **Right of Appeal**

11.1 Under section 81 and Schedule 5 of the 2003 Act there is a right of appeal to the Magistrates' Court in respect of applications for new licences. This right of appeal is open both to the applicant and to any person who has made relevant representations. The appeal application must be made within 21 days of the written notification of the Sub Committee's decision.

12 **Financial Appraisal**

12.1 The cost of delivering the licensing function is fully covered by the Licensing fees.

12.2 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.

13 **Risk management implications**

13.1 There are no risks associated with the content of this report.

14 **Equalities & Fairness Screening**

14.1 An Equality Analysis is not constructive in this instance.

15 **Sustainability and/or carbon reduction implications**

15.1 There are no sustainability and/or carbon reduction implications associated with this report.

16 **Appendices**

- 16.1
- Appendix 1a and 1 b - Application (a) and plan (b) for a new premises licence under the Licensing Act 2003
 - Appendix 2 - Sussex Police report
 - Appendix 3 - Local Authority Licensing report
 - Appendix 4 - interested party representation
 - Appendix 5 - interested party representation
 - Appendix 6 - interested party representation
 - Appendix 7- interested party representation

17 **Background papers**

- Section 182 Statutory Guidance to the Licensing Act 2003 available via: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- Eastbourne Borough Council Licensing Statement 2019-2024 available via: <http://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/224048.pdf>
- Human Rights Act 1998

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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Latin Borisov

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Chef H 27-31 Lagney Road			
Post town	Eastbourne	Postcode	BN21 3QA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£38,750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as appropriate**

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

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- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Borisov			First names Latin		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality Bulgarian					
Current residential address if different from premises address		[REDACTED]			
Post town	Eastbourne			Postcode	[REDACTED]
Daytime contact telephone number			0208 460 0606		
E-mail address (optional)		licence@eurosafetyinternational.co.uk			

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Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name

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Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	7	02 2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Licensed restaurant with take away and delivery facility

Licensed restaurant with take away and delivery facility

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

- Provision of late night refreshment** (if ticking yes, fill in box I)

- Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur					
Fri			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Sat					
Sun					
			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		

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I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	04:00			
Tue	23:00	04:00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23:00	04:00			
Thur	23:00	04:00			
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	23:00	04:00			
Sat	23:00	04:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Latin Borisov	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) 1320/052976	

APPENDIX 1a

Issuing licensing authority (if known) Eastbourne Council

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p> <p>N/A</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	04:00	
Tue	11:00	04:00	
Wed	11:00	04:00	
Thur	11:00	04:00	
Fri	11:00	04:00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

APPENDIX 1a

Sat	11:00	04:00	
Sun	11:00	23:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The supply of alcohol will not be made under the Premises Licence:-
 At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended
 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence
 An age verification policy will be adopted in respect of the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to be under 18 years of age (or 25 to be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either (i) a holographic mark or (ii) an ultraviolet feature.

b) The prevention of crime and disorder

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office guidelines, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
 CCTV footage will be stored for a minimum of 31 days.
 The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of a suspected or alleged crime.
 The CCTV images will record and display dates and times and these times will be checked regularly to ensure their accuracy.
 Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
 An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log book shall be kept on the premises and be available for inspection at all times the premises are open by authorised officers and staff of the Licensing Authority or the Police.
 If required, SIA registered door staff can be employed to be on duty for the latter part of the evening and into the early hours.
 Alcohol deliveries will only be made to a residential or business address and not to a public place.
 The age verification policy will be clearly advertised at each stage of the order and on all advertising. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

At the time the order is placed, a declaration will be required from the person placing the order that that person is aged over 18 years of age and that the intended recipient are over 18 years of age.

Where the premises contracts a third party to deliver alcohol on their behalf, and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eat) the premises will ensure that the third party only employs delivery employees or agents over 18 and over, is aware that alcohol is included in the delivery, the the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over, and that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

All off sales of alcohol will be made in sealed containers.

c) Public safety

There will be a first aid kit kept and maintained at the premises.

There will be a log book present on the premises for recording any incident and will be available on request to the local Police or a local authority licensing agent.

The premises licence holder will ensure that the appropriate fire safety and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

Appropriate signage will be displayed at all exits requesting patrons to respect the needs of local residents and leave quietly.

All deliveries to the premises will take place at a time as to not cause a disturbance to the nearby residents.

Waste collections will be arranged for such a time as not to cause a nuisance to the nearby residents.

Waste will be kept securely in a designated area and the movement of bins and rubbish shall be kept to a minimum at all times to reduce the levels of noise produced by the premises.

e) The protection of children from harm

A Challenge 25 policy will be adopted, whereby any person that appears to be under the age of 25 years of age must prove they are over 18 by providing identification, bearing their photograph, date of birth, and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, proof of age card bearing the PASS hologram and biometric residence permit.

All refusals will be entered into the refusals book.

Signs will be displayed informing customers that a Challenge 25 policy is in operation at the premises.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee **.(Payable to Eastbourne Borough Council)**
- I have enclosed the plan of the premises.

APPENDIX 1a

- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
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APPENDIX 1a

Signature	Ziya Merton
Date	20/01/2021
Capacity	Licensing Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) ESI LICENCE 84 Hayes Lane			
Post town	Bromley	Postcode	BR2 9EE
Telephone number (if any)	0208 460 0606		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) licence@eurosafetyinternational.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing

objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not

exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

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A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

APPENDIX 1a

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in
the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

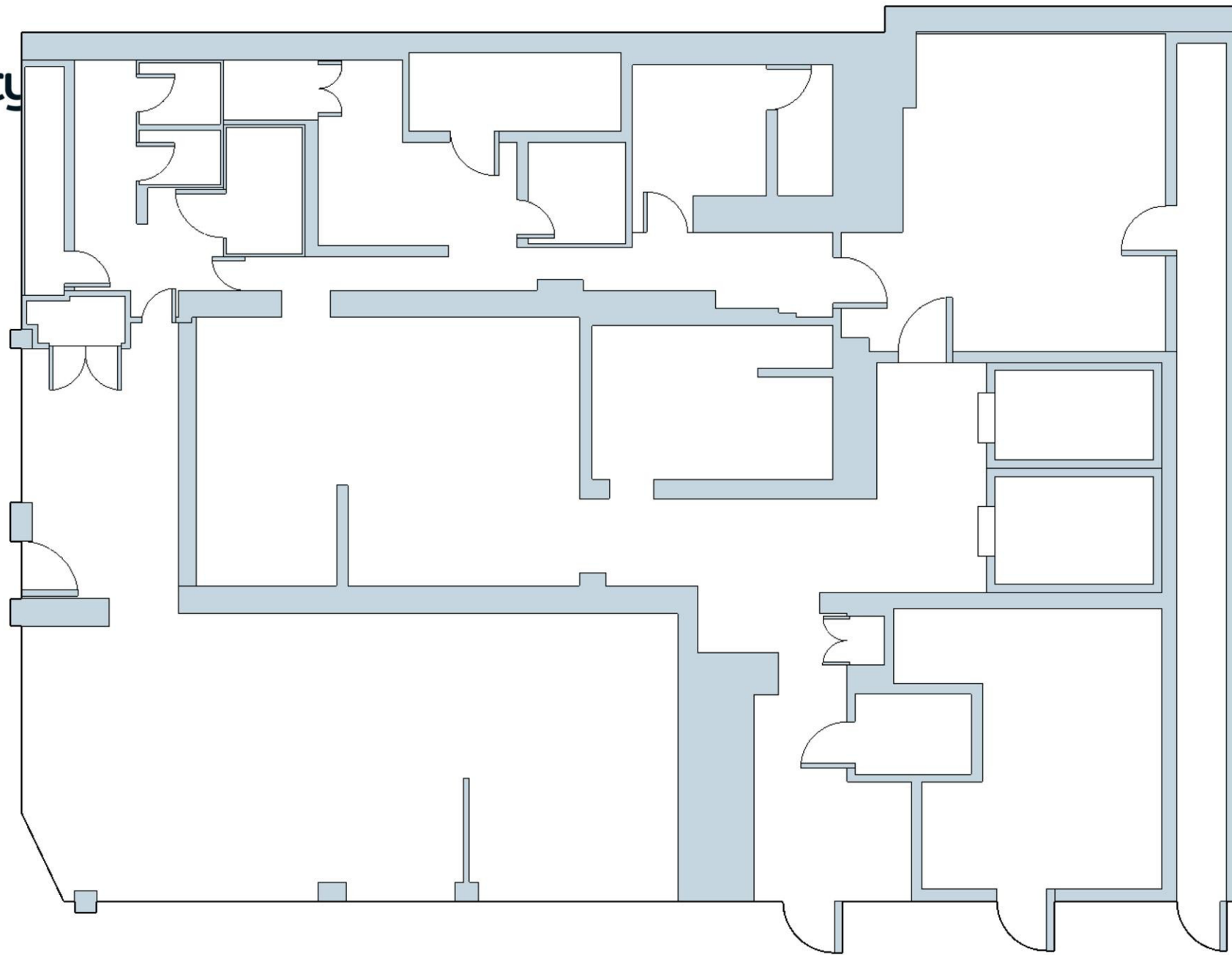
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a

APPENDIX 1a

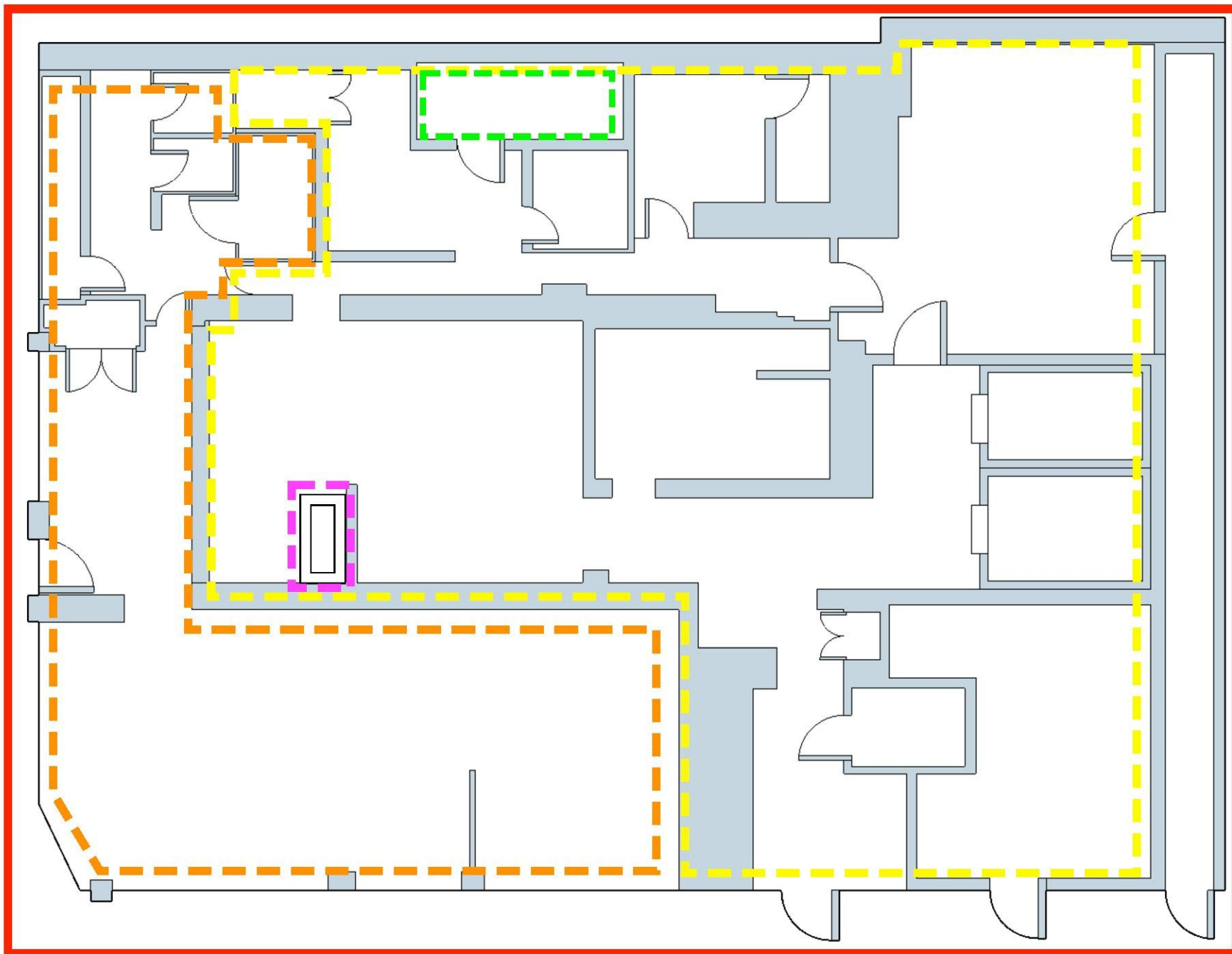
condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.



NOT FOR CONSTRUCTION

<p>euro safety international 84 HAYES LANE, BROMLEY BR29EE T: 0208460 06 06 M: 07786 308 409 E-Mail: licence@euro safety international.co.uk www.euro safety international.co.uk</p>	<p>CLIENT LATIN BORISOV</p>	<p>PROJECT CHEF-H</p>	<p>PROJECT NO. 245.188</p>	<p>DATE 18/12/20</p>	<p>DRAWN BY ESI BY D.H.</p>	<p>DESCRIPTION CURRENT FLOOR PLAN</p>	<p>CLIENT ADDRESS [REDACTED]</p>	<p>SCALE 1:100 A4 SIZE</p>
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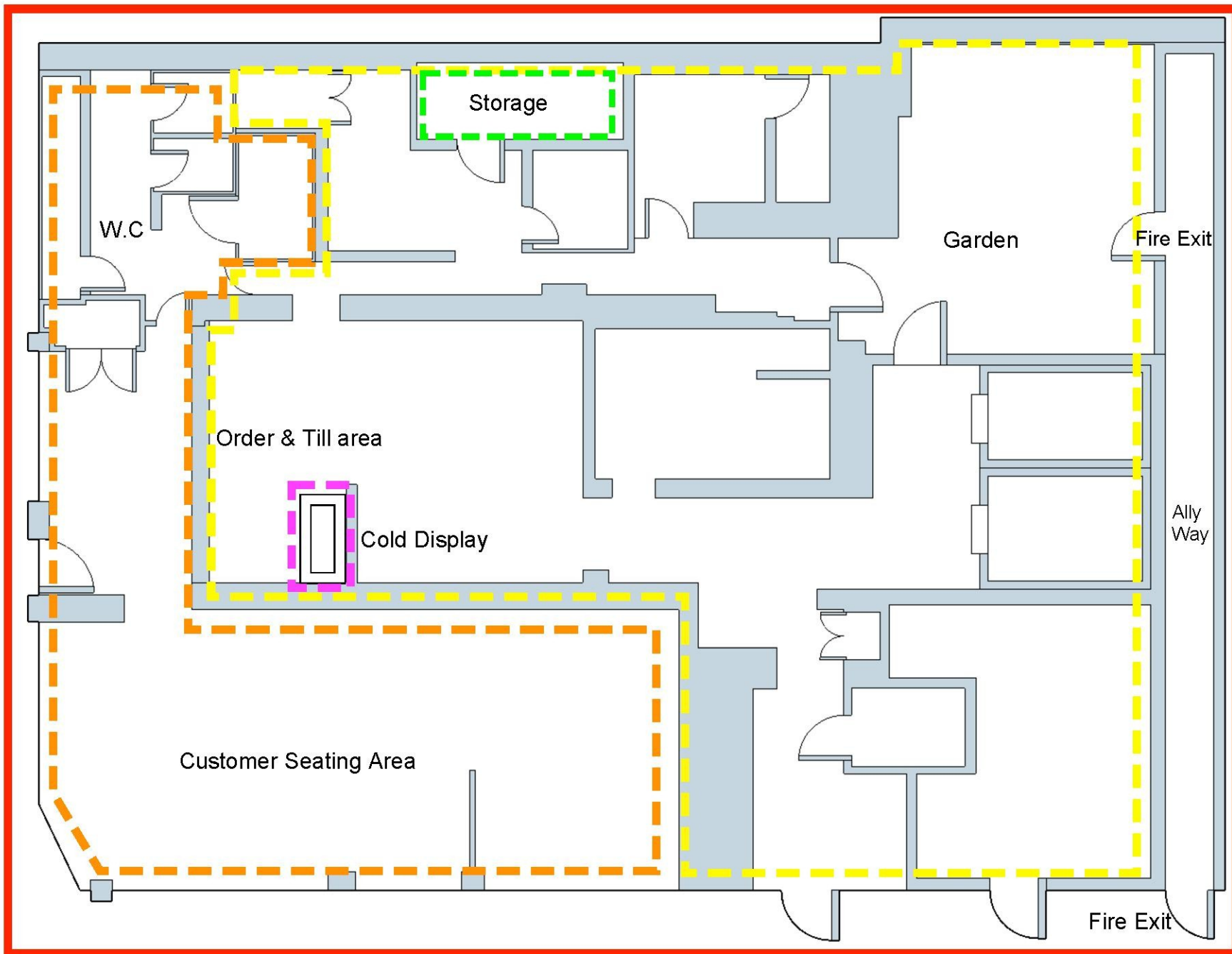


-  Alcohol Boundary
-  Alcohol Display Area
-  Alcohol Storage Area
-  Staff Only Area
-  Customer Only Area



NOT FOR CONSTRUCTION

<p>euro safety international 84 HAYES LANE, BROMLEY BR29EE T: 0208460 06 06 M: 07786 308 409 E-Mail: licence@euro safety international.co.uk www.euro safety international.co.uk</p>	<p>CLIENT LATIN BORISOV</p>	<p>PROJECT CHEF-H</p>	<p>PROJECT NO. 245.188</p>	<p>DATE 18/12/20</p>	<p>DRAWN BY ESI BY D.H.</p>	<p>DESCRIPTION PREMISES LICENCE</p>	<p>CLIENT ADDRESS 27-31 LANGNEY ROAD, EASTBORN, BN21 3QA</p>	<p>SCALE 1:100 A4 SIZE</p>
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-  Alcohol Boundary
-  Alcohol Display Area
-  Alcohol Storage Area
-  Staff Only Area
-  Customer Only Area



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<p>euro safety international 84 HAYES LANE, BROMLEY BR29EE T: 0208460 06 06 M: 07786 308 409 E-Mail: licence@euro safety international.co.uk www.euro safety international.co.uk</p>	<p>CLIENT LATIN BORISOV</p>	<p>PROJECT CHEF-H</p>	<p>PROJECT NO. 245.188</p>	<p>DATE 18/12/20</p>	<p>DRAWN BY ESI BY D.H.</p>	<p>DESCRIPTION PREMISES LICENCE</p>	<p>CLIENT ADDRESS 27-31 LANGNEY ROAD, EASTBORN, BN21 3QA</p>	<p>SCALE 1:100 A4 SIZE</p>
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Sussex Police
Serving Sussex

www.sussex.police.uk

Local Policing Support Team

1st February 2021

Licensing department
Eastbourne Borough Council
Grove Road

Dear Mr Thornton,

RE: APPLICATION FOR CHEF H, 27-31 LANGNEY ROAD EASTBOURNE BN21 3QA, UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety.

This is a proposed licence in an area of Eastbourne which is subject to a Special Policy adopted by Eastbourne Borough Council (EBC). The premises lies within the Cumulative Impact Zone (as defined in the EBC statement of Licensing Policy 2019-2024)

Paragraph 8.1 of Eastbourne Borough Councils statement of Licensing Policy 2019-2024 states; **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 of, or a distance from licensed premises. Cumulative Impact is defined as the “potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area,” and is a proper matter for consideration by the Licensing Authority.**

The applicant describes the nature of premises as “Licensed restaurant with take away and delivery facility” and seeks the following licensable activities and timings;

- Late Night Refreshment Monday to Saturday 2300-0400
- Supply of alcohol Monday to Sunday 1100-2300

Paragraph 14.24 of the Secretary of State’s Guidance to the Licensing Act 2003 (April 2018) provides:

“ A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licence and club premises certificates in a specified area.”

Paragraph 14.40 of the Secretary of State’s Guidance to the Licensing Act 2003 (April 2018) provides:

'In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described... Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives'

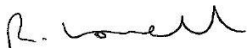
The applicant has not referred to the Cumulative Impact Policy (CIP) or the EBC statement of Licensing in their application. Although the applicant has offered a number of conditions, Sussex Police do not believe these go far enough to help mitigate any potential risk in what is already a very busy area of Eastbourne.

On Tuesday 26th January 2021, Sussex Police Licensing contacted Euro Safety, who are the agents acting on behalf of the applicant. They were made aware of our concerns about the premises operating times and how they have not provided enough evidence of how the premises will promote the four licensing objectives. The agent said he had partially read EBC statement of licencing but when questioned did not know anything about the CIP. It was explained how they needed to provide details of how the premises will not negatively impact one or more of the Four Licensing Objectives. The agent's response was to ask for Police to provide them with conditions and they will agree to them. This response does not provide Sussex Police with confidence that this premises will be managed efficiently.

The night time economy within Eastbourne can at times be very challenging for all the emergency services and the CIA has been shown to be a hot spot location within Eastbourne for crime and violent offences. There are already a high number of late night licensed venues all of which are in very close proximity to this new proposed venue and yet another late night establishment is likely to negatively add to the cumulative impact which in turn is likely to undermine the licensing objectives.

In light of the above together with data showing an increase in Sexual assault within the Cumulative area, Sussex Police are not satisfied that this application presents an exceptional case to override the presumption of rebuttal for new applications within the CIA. We invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,



Insp Rob Lovell
Licensing Inspector
Local Policing Support Team
Sussex Police

Please address all future correspondence to Licensing Officer Kirstie Rolfe, Bexhill Police Station, Terminus Road, Bexhill TN39 3NR email; kirstie.j.rolfe@sussex.pnn.police.uk and EastSussex.Licensing@sussex.pnn.police.uk

Licensing Police Staff are currently working from home, email is the preferred method of communication.

Licensing

my ref:

your ref:

date: 1st February 2021

Zia Merton
ESI LICENCE
84 Hayes Lane
Bromely
BR2 9EE

Dear Sir/Madam

I am writing on behalf of the Licensing Authority for Eastbourne Borough Council as a Responsible Authority under the Licensing Act 2003.

I am responding to an Application for a Premises Licence submitted to Eastbourne Borough Council by Latin Borisov for a premise at Chef H, 27-31 Langney Road, Eastbourne, BN21 3QA

This premises is situated within the Cumulative Impact Zone as defined in the Licensing Policy for Eastbourne Borough Council. The Cumulative Impact Assessment for the Licensing Policy was fully considered and reviewed through Public Consultation in March 2019. The Licensing Authority has not been made aware of any changes necessitating a downgrading of that assessment.

This is a representation against the application.

The grounds for this representation are that the application does not address the Cumulative Impact Assessment of the Eastbourne Borough Council Licensing Policy, Appendix 2 – Section 5

In addition, it is our view that if the Premises Licence is granted in the form applied for, it will undermine the licensing objectives of Prevention of Crime and Disorder, Prevention of a Public Nuisance and Protection of Children from Harm. The premises appears to be a fast food restaurant with a take away facility until 4am. It will of its nature attract a specific demographic particularly after late night bars and clubs have closed.

The Licensing Authority implies no adverse comment about the premises or its intended clientele. It merely seeks to point out the nature of the site and the fact that the applicants have significantly underplayed this and failed to address it in their Operating Schedule. The Operating Schedule makes no mention of the Cumulative Impact Zone, nor does it acknowledge the position of the premises in one of the busiest and well-known tourist destinations in the UK.

Lewes District Council

Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

Eastbourne Borough Council

1 Grove Road
Eastbourne
East Sussex
BN21 4TW

Our conclusions are that little thought has been given to promoting the licensing objectives of Prevention of Crime and Disorder, Public Safety, Prevention of a Public Nuisance and Protection of Children from Harm.

Operating Schedule.

General

The information contained here is not site specific. It simply states what the Licensing Act requires for licensable activities to take place.

In our view little thought has been given to providing overall details of how the Premises Licence Holder and the DPS will promote the licensing objectives. It is a generic set of comments that provide no useful information as to how the business will promote the licensing objectives.

Nothing here addresses the particular nature of the venue or takes account of the Cumulative Impact Assessment.

Prevention of Crime and Disorder

The Licensing Authority notes the intention to provide CCTV and the conditions attached to this. We expect this condition to be included on the Premises Licence should it be granted.

The Premises Licence Holder is applying for the sale of alcohol for consumption off the premises.

We note that there are a number of proposed conditions relating to the delivery of alcohol. If the licence is granted, we expect these to be added as conditions for this licensable activity.

The application makes no mention of sale of alcohol at the site to customers attending in person.

Is it the intention of the business to sell alcohol for consumption off site in such circumstances?

Will alcohol be sold without a purchase of food?

Does the business intend to display alcohol at the site?

We note the premises is a restaurant/ take away food store and are concerned that no mention is made of controlling alcohol as described.

SIA Staff

The Licensing Authority notes the following information in the application:

'SIA registered door staff can be employed to be on duty for the latter part of the evening and into the early hours'

We are aware of a conversation between Sussex Police and the applicant's agents. It is surprising that the agents have not fully read the Licensing Policy for Eastbourne Borough Council and were not aware of the Cumulative Impact Zone.

If the application is granted this premises will be open until 4am serving food. It is in close proximity to other such establishments and importantly to a number of late-night venues licensed for music dancing and the sale of alcohol.

Experience tells us that food outlets in this location are very busy during the early hours of the morning with people who have been drinking in the late venues. This has the potential for customers acting irrationally, resulting in crime and disorder.

We note the conditions for CCTV and delivery of alcohol. However, little thought has been given to the practicalities of operating this premises and consider the comments about SIA staff to confirm this. It is little short of dismissive of this licensing objective.

Prevention of a Public Nuisance

The Licensing Authority notes the intention to time restrict deliveries and waste collections. although the latter may be dictated by contractors. It also notes the intention to secure waste and keep movement of waste to a minimum.

Despite this the overall impression is that these are generic conditions and not site specific.

Protection of Children from Harm

The Licensing Authority notes the proposed conditions regarding an Age Verification Policy and expect these to be included should the application be granted. There are still concerns about the sale of alcohol at the site , its display and whether its with or without food.

Overall

1. The Licensing Authority has grave concerns that an application such as this is made with no reference to or mention of the Cumulative Impact Assessment.
2. That is not surprising when it is discovered the agents are not even aware of the Cumulative Impact Assessment.
3. The application is couched in generic terms and not site specific.
4. Comments made by the agent to Sussex Police "send us your conditions and we will agree to them" display an arrogance and a flippancy to the nature of the application. At the very least we expect some engagement by the agents and offers of conditions that can form the basis of a discussion.
5. It is our view that if the Premises Licence is granted in the form applied for, it will undermine the licensing objectives of Prevention of Crime and Disorder, Prevention of a Public Nuisance and Protection of Children from Harm.

If you would like to discuss this matter further, please do not hesitate to contact me.

Yours faithfully

P.Thornton

Paul Thornton
Specialist Advisor Licensing

APPENDIX 4

I am contacting your department for my objection to the proposed changes to the premises licence for Chef H 27-31 Langney Rd BN21 3QA, to extend trading hours to 04.00am with off sales of alcohol, both being new changes to the former licence. The premises is situated in an area covered by the Special Saturation Policy ,which already has a high volume of licensed premises. Residential flats are now situated above Chef H as well as family accommodation in the vicinity . It is a Human Right to an undisturbed nights sleep, which trading to 04.00 would only exacerbate.

Having lived in the area for 26 years, I have witnessed problems in the past connected to late night alcohol related issues. The following, Fighting , Violent outbreaks due to intoxicated groups not dispersing, unacceptable noise levels from speeding cars, criminal damage to vehicles ,Human excrement and vomit in residents doorways/alleys due to lack of toilet facilities, Litter from takeaways left on front steps.

In previous occasions I have had full support of local residents telling me about the above problems when they signed a petition regarding late licence issues. Due to covid this is not possible this time. The proposed application for extended trading hours /off sales alcohol will only increase the above incidences , especially when covid restrictions are lifted. These late night problems will cause unnecessary use of the Emergency services.

The approval of this application would then set a precedence for other business to follow suit .I do not have an objection to the opening of Chef H, as it is good to see an empty premises back trading, but closing hours in line with adjacent eateries/takeaways, sympathetic to the wellbeing of local residents.

I have raised my concerns to Adrian Ley, chairman of the town centre Panel Association and contacted my local councillor.

Please can you Email me to confirm receipt of my representation Email.

Regards Helen Hughes.

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Hello, to whom it may concern, I rang the council on Friday 29th January to ask for some information and advice with regards to objecting a planning application for the premises called Chef H fast food factory. I have seen a sign in their door window that says they are applying for a license act and that they want to open until 4am in the morning Monday to Saturday and 11pm Sunday. There is no application number on the sign and the only website they give is for planning applications not a website or link for objections, hence the reason I rang the council who told me to email you if I had no luck with the information on the sign. The reason I object to this proposal is because there are 10 residential flats above the Chef H premises. We already had a lot of trouble with noise issues and complaints when KFC were there and they closed at 11pm but were making noise until 1am and sometimes even later. So it is not viable for the residents in the flats to be able to live in some form of peace and quiet if they are going to sell alcohol and stay open until 4am. Already the KFC attracted some unruly people to this part of Langney Road, unfortunately the Cameo nightclub and all the other takeaways don't help the situation but we don't want it made worse. I therefore also object to the licensing act to sell alcohol being a residential dwelling place above the premises. I am attaching a photo of the form in Chef H window and would like to know if it is a valid one as there is no information on it with regards to application no and info where to object.

My objections against the application for selling alcohol and staying open until 4am in the morning, making sure they cover the relevant issues for the prevention of crime and disorder : this stretch of Langney Road does already suffer from the effects of crime and disorder where some people coming out from the local pubs and Cameo nightclub behave in a disorderly manner such as shouting, arguing, swearing, fighting, urinating and vomiting on a regular basis, shop windows have been smashed on numerous occasions and damage to vehicles which included my husbands twice, so another licensed establishment is only going to contribute in making it worse. I could understand if it was going to be a restaurant where you would have a glass of wine with your sit down meal like other restaurant establishments but Chef H is a takeaway food shop and it's seating area is like a McDonald's setup, and they don't sell alcohol or stay open until 4am and they have no residential flats above or surrounding them. The only premises I know of that sell alcohol are Cameo nightclub and the off licence on Langney Road, none of the other takeaways sell alcohol. The KFC which was there previously did not sell alcohol. With regards to : Prevention of nuisance, the KFC used to close at 11pm Mon to sat and 10/10.30pm sun and they were very inconsiderate when it came to noise as they would congregate outside their back yard area having cigarette breaks and talking loudly /laughing, throwing rubbish out by banging the bin lids multiple times until gone 1am etc late at night, my bedroom window overlooks this back yard area so did disturb my sleep on a daily basis, my kitchen window also overlooks this area and if my windows kitchen or bedroom are open then the fumes from smoking come inside our flat. Also the people coming out of the pubs and nightclubs congregate around the takeaway establishments late into the early hours of the morning where they get food from and when they have been drinking they are a public nuisance by shouting, swearing, fighting, arguing, urinating and vomiting around the premises etc. Therefore I feel it is not considerate to open until 4am with residential flats above. Given the noise KFC made and they closed at 11pm, it could be an option that they have cigarette /breaks out of their side door where the bins are also by leaving their bins outside the side of their shop instead of out the back would make a

APPENDIX 5

positive difference. I hope this gives a more detailed insight into the reasons for my objections. With kind regards.

APPENDIX 6

Opposing the application of chef H opening until 4am. Prevention of public nuisance. It will have a detrimental effect on the living conditions of all the tenants above. Serving food and alcohol until 4am when this is a residential area.

There are multiple families here who i know are stressed as it is being cooped up as well as me during this time.

Langney road suffers as it is with excessive amount of street drinkers which are here late as it is!

Im sure everyone would not like to make this problem worse for the safety and mental health of everyone surrounding the building. Thanks

Resident of 25-31 Langney Road, Andreas Andrea

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APPENDIX 7

Dear Sirs,

We are residents of Flats 25-31 Langney Road, Eastbourne BN21 3QA, which is situated on the 2nd floor of the building in question where CHEF H operates from the ground floor premises (27-31 Langney Road).

We are writing to object to CHEF H's Premises Licence Application as detailed in the attached PDF document on the below grounds under the Licensing Act 2003:

1. The sale of alcohol by CHEF H until 23:00 and operation of premises until 04:00 will be:
 - promoting crime and disorder in the local area which will affect us directly as residents (drunk people / homeless people / junkies / dodgy individuals, fights, shouting, noise, crime, disorder)
 - undermining public safety in the local area which will affect us directly as residents (drunk people / homeless people / junkies / dodgy individuals, noise, fighting, shouting, feeling of danger and feeling unsafe)
 - promoting public nuisance in the local area which will affect us directly as residents (drunk people, homeless people / junkies / dodgy individuals, noise, fighting, shouting, feeling of danger and feeling unsafe)
 - promoting harm to children in the local area (if young children are around they might be in danger of harm from such type of people)

For the above mentioned reasons, as local residents we respectfully submit that Eastbourne Council should not grant the requested Licence to CHEF H.

Additionally

The sale of alcohol by CHEF H until 23:00 and operation of premises until 04:00 will also:

- In terms of crime and disorder: Promote anti-social behaviour at and around the premises
- In terms of public safety: Be a concern regarding fire safety, electrical circuitry, lighting, building safety or capacity, and first aid
- In terms of public nuisance: Hours of operation too late and will bother us as residents alongside the noise emanating from the premises, the vibrations, lighting and litter created by the business and consumers alike.

Eastbourne Council is asked to consider the above and below and the effect this will have on us as residents who live immediately above CHEF H's premises.

Many thanks and kind regards,

residents of the building where CHEF H's business is located

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