

Licensing Sub-Committee

Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 18 May 2021 at 6.00 pm.

Present:

Councillor Peter Diplock (Chair)
Councillors Penny di Cara and Robin Maxted

Officers in attendance:

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

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1 Appointment of Chair

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

RESOLVED: That Councillor Diplock was appointed Chair for the meeting.

2 Apologies for absence/declaration of substitute members

There were none.

3 Declarations of interests

There were none.

4 Application for a Premises Licence - Dirty Burger Bros Ltd, 2 Old Orchard Road, Eastbourne, BN21 1DB.

The Chair welcomed everyone and detailed the procedure for the hearing. All parties present introduced themselves.

The Specialist Advisor for Licensing, Danielle Ball, outlined the report setting out the application for a new premises licence for late night refreshment (outdoor) and supply of alcohol (off the premises).

She confirmed that when submitting an application for a premises licence, the applicant was required to describe any steps they intended to take to promote the four licensing objectives, as defined by the Licensing Act 2003. These were appended to the report at Appendix 1a.

During the consultation process, Sussex Police and the applicant had agreed to modify the times of the opening hours, late night refreshment, and added

additional conditions that would promote the Licensing objectives:

Late night refreshment

Thursday 23:00 - 24:00

Friday-Sunday (only on Sundays followed by a Bank Holiday Monday) 23:00-02:00.

Supply of alcohol

Monday-Sunday 12:00-23:00

Opening hours:

Sundays – Wednesday 05:00-23:00

Thursday – 05:00 – 00:00

Friday – 05:00 – 02:00

Saturday-Sunday (only on Sundays followed by a Bank Holiday Monday)
09:00-02:00.

Following the 28 day consultation period, two separate representations had been received against the application from interested parties: Ms Mary Gray and Juliette Hale, which were included in Appendix 4 and 5 of the agenda pack. The representations centred on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Ms Mary Gray and Ms Hale had both been invited to attend the meeting, but for personal reasons Ms Hale was not present.

The Chair invited members and then the applicant and those making a representation, to ask questions of the Specialist Advisor regarding the report. There were none.

The Chair invited the applicant to address the Sub-Committee. Mr Matthew Howard, applicant, said that the aim was to sell alcohol to compliment the sale of food. He only expected to sell one alcoholic can with each purchase, approximately 20 cans per week of prosecco, wines and beer. Alcohol would be served up until 11pm. The order would be placed through Just Eat / Uber Eats websites to be collected and delivered to the customer. The business would also be open to the public to collect orders. They wanted to set a good example to other businesses by undertaking a litter pick on the last Saturday of every month to keep the local area tidy. A perimeter search for rubbish outside of the premises would be done every night and a bin had been installed at the front of the shop for customers. Following mediation, operation times had been pushed back from 4am to 2am on the busiest nights, Friday and Saturdays. Security measures such as CCTV were in place. He said there were no other premium burger bars in the area and he wanted to expand the business whilst setting a good example to others.

Mr Grant Howard, Chef, addressed the Sub-Committee, stating that he held an SIA door badge and referred to his experience in the food trade.

Lisa Baker, Designated Premises Supervisor, addressed the Sub-Committee stating that she was a Personal Licence holder, an SIA door supervisor for 8 years and an active Pub Watch member.

The Chair invited Councillors to ask questions of the applicant. These included:

- Would Alcohol not be sold after 11pm? This was confirmed to be correct by the applicant.
- Would be possible to extend the litter pick area to include the area around the library? The applicant agreed.
- How would deliveries work for the business and customers given the restrictive parking zones in the area? The applicant explained that if a customer or delivery driver was parking illegally, they would recommend they move to the loading bay, where after 7pm delivery drivers are able to park.
- Would measures be in place to improve security? The applicant said they had CCTV installed as a minimum standard and the door and windows had metal iron bars to prevent someone from breaking in.
- Were all orders made by telephone or in person? The applicant answered both, but most were by platforms such as Just Eat or Uber Eats.
- Councillors sought clarification on packaging and labelling of the food and drink. Mr Grant Howard, Chef, explained that the food would be in a sealed bag with a sticker on it, so it was clearly identifiable. The drink would be in another bag.
- Who would be on site? The applicant explained it was a family business, his brother would be there all the time as chef and as the Director he would be there Friday and Saturday. The DPS, Lisa Baker would be there from time to time as well.

The Chair invited Ms Gray to ask questions of the applicant. These included:

- What steps the applicant intended to take to promote the licensing objective: Prevention of Public Nuisance. The application form at Appendix 1a, page 27 of the agenda refers: "the possibility of 1-2 alcoholic drinks when the weather permits it". The applicant explained that he had mis-worded the application form and it was his intention to sell alcohol with food, not because it was a sunny day.
- Would the age group change at 2am in the morning? The applicant said the business would be open to everyone, not just people coming out of a nightclub or pub. The demographic could change, but they would have security in place if needed.

The Chair invited Ms Gray to make her representation. She contested that she was representing all the residents of Stafford House. The Lawyer explained, at this point, that was not the case as the representation was solely from Ms Gray

Ms Gray said her objection concerned the sale of alcohol and the extended operating hours, stating that it would have a knock-on effect on the area, exacerbating parking problems and litter.

Ms Gray asked the Committee if it wished to view some photos and video evidence taken by a resident concerning parking and noise issues. The Chair advised Ms Gray, the Committee was not in a position to view the photographs or video evidence offered at the meeting as it could not consider late representations.

The Chair invited Councillors to ask questions of Ms Gray. These included:

- How many drivers had been seen using the carpark at Stafford House? Ms Gray said that one had been noted by a resident.
- Whether now that she understood that alcohol sales were until 23.00 she was content? Ms Gray said it was better, but she was not completely happy.

Councillors sought clarification on the impact of the relevant Public Space Protection Order and the Lawyer clarified that point.

The Chair invited the applicant to ask questions of Mrs Gray. There were none.

The Chair invited the applicant and Ms Gray to make any closing remarks.

The applicant expressed his commitment to his business and local area. The key aim was to sell food, not alcohol. Alcohol was something to complement the food.

Ms Gray stressed that the residents' concerns were not about people or products, they did not want long opening hours or the sale of alcohol.

Following all the evidence presented, the Sub-Committee retired to consider and determine the application. Michele Wilkinson, Housing and Regulatory Lawyer was in attendance to assist with any legal queries.

RESOLVED: That the application for a premises licence be approved, with the modified opening hours, late night refreshment, and conditions as agreed with Sussex Police, as set out in the attached Decision Notice document (Minutes Appendix 1).

The meeting ended at 7.10 pm

Councillor Robin Maxted (Chair)