

**Licensing Sub-
Committee
18 May 2021**



Working in partnership with **Eastbourne Homes**

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

Membership:

**Councillors Penny di Cara, Peter Diplock and Robin Maxted
Councillor Colin Belsey (Reserve)**

Quorum: 3

Published: Monday, 10 May 2021

Agenda

- 1 Appointment of Chair**
- 2 Apologies for absence/declaration of substitute members**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct**
- 4 Application for a Premises Licence - Dirty Burger Bros Ltd, 2 Old Orchard Road, Eastbourne, BN21 1DB. (Pages 3 - 62)
Report of Director of Service Delivery**

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).

Councillor right of address:

Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

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Agenda Item 4

Report to: Licensing Sub-Committee

Date: 18th May 2021

Title: Application for a new Premises Licence. Dirty Burger Brothers Ltd, 2 Old Orchard Road, Eastbourne BN21 1DB

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 Dirty Burger Brothers LTD at 2 Old Orchard Road, Eastbourne BN21 1 DB from Matthew Howard, on behalf of Dirty Burger Brothers Ltd. This premises are not within the Cumulative impact zone. The application is included along with the plan of the premises at **Appendix 1**.

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 (outdoor)

Monday- Wednesday 23:00-01:00

Thursday- Sunday 23:00-04:00

Supply of alcohol (off the premises)

Monday- Sunday 12:00- 23:00

Opening Hours

Monday- Wednesday 05:00-01:00

Thursday- Friday 05:00- 04:00

Saturday- Sunday 09:00- 04:00

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 24th March 2021 to the 20th of April 2021, for representations to be made, the applicant conformed with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.2 During the consultation process Sussex Police and the applicant have exchanged several emails to modify the times and add additional conditions that would effectively promote the Licensing objectives. These modifications would be made if the licence is granted. A copy of this email trail is included at **Appendix 2**.
- 4.3 Agreed modified times:

Late night refreshment

Thursday 23:00-24:00.

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

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.

4.4 There have also been two representations submitted by interested parties. These are included at **Appendix 3 and 4.**

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 Representations

7.1 A copy of the representations is included at **Appendix 3 and 4**, however a summary appears below:

| |
|---|
| <p>'Interested Parties'</p> <p>Two representations have been received, these representations have made comments under each of the four licensing objectives.</p> |
| <p>Representations from Responsible Authorities</p> <p>The following summarises whether representations have been received from responsible authorities:</p> <ul style="list-style-type: none">➤ Sussex Police – Email trail included at Appendix 2.➤ 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 – No representation➤ 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.**

7.2 Following the representations from the interested parties' mediation was attempted. The emails that have been exchanged are included at **Appendix 5**. At the time of writing this report mediation was still being attempted but no agreement had been reached.

8 Options open to the Sub-Committee

8.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the Licensing Objectives 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.

8.2 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.

8.3 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.

8.4 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.

9 Legal Considerations

9.1 Under section 18 Licensing Act 2003 (as amended), following receipt of an application for a premises licence if relevant representations are received, unless all parties agree that a hearing is unnecessary, 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. 8.1 of this Report.

9.2 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.

9.3 The Legal Section considered this Report on 4 May 2021 (IKEN-10112-EBC-MW).

10 Right of Appeal

10.1 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.

11 Financial Appraisal

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

11.2 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.

12 Risk management implications

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

13 Equalities & Fairness Screening

13.1 An Equality Analysis is not constructive in this instance.

14 Sustainability and/or carbon reduction implications

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

15 Appendices

- Appendix 1a & 1b - Application (a) and plan (b) for a new premises licence under the Licensing Act 2003
- Appendix 2 - Sussex Police email trail
- Appendix 3 - Interested party representation
- Appendix 4 - Interested party representation
- Appendix 5 - Emails engaging in mediation.

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 Dirty Burger Bros Ltd

(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 | | | |
| Dirty Burger Bros Ltd, 2 Old Orchard Road, | | | |
| Post town | Eastbourne | Postcode | BN21 1DB |
| Telephone number at premises (if any) | | 01323 733 733 | |
| Non-domestic rateable value of premises | | £1650.00 | |

Part 2 - Applicant details

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

- | | |
|--|-----------------------------|
| a) an individual or individuals * | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| 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 | Mrs | Miss | Ms | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth | | I am 18 years old or over | | Please tick yes | |
| Nationality | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |
| 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 | Mrs | Miss | Ms | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth | | I am 18 years old or over | | 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 Dirty Burger Bros Ltd |
| Address 2 Old Orchard Road Eastbourne BN21 1DB 01323 733 733 |
| Registered number (where applicable) Company number 12451914 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company |

| |
|---|
| Telephone number (if any) 01323 733 733 |
| E-mail address (optional) contact@dirtyburgerbros.co.uk |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

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)

Burger Bar / Burger Takeaway / Morning and Afternoon Coffee and Lunch Takeaway Bar

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

- 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 | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | | Both | |
| Tue | | | | | |
| | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 5) | | |
| | | | <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) | | |

B

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

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | |
|--|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | | Both | |
| Tue | | | | | |
| | | | Please give further details here (please read guidance note 4) | | |
| | | | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| | | | 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 (please read guidance note 6) | | |
| | | | | | |
| | | | | | |
| | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | <u>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</u> (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 | |
| Mon | | | | Outdoors | |
| | | | | Both | |
| Tue | | | <p><u>Please give further details here</u> (please read guidance note 4)</p> | | |
| Wed | | | | | |
| Thur | | | <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> | | |
| Fri | | | | | |
| Sat | | | <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> | | |
| Sun | | | | | |

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 | |
|--|-------|--------|--|----------|---|
| Day | Start | Finish | | Outdoors | X |
| | | | | Both | |
| Mon | 23:00 | 01:00 | <u>Please give further details here</u> (please read guidance note 4) N/A | | |
| | | | | | |
| Tue | 23:00 | 01:00 | | | |
| | | | | | |
| Wed | 23:00 | 01:00 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) N/A | | |
| | | | | | |
| Thur | 23:00 | 04:00 | | | |
| | | | | | |
| Fri | 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) N/A | | |
| | | | | | |
| Sat | 23:00 | 04:00 | | | |
| | | | | | |
| Sun | 23:00 | 04:00 | | | |
| | | | | | |

J

| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8) | On the premises | |
|--|-------|--------|---|---------------------|---|
| Day | Start | Finish | | Off the premises | X |
| | | | | Both | |
| Mon | 12:00 | 23:00 | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) | N/A | |
| Tue | 12:00 | 23:00 | | | |
| Wed | 12:00 | 23:00 | | | |
| Thur | 12:00 | 23:00 | <u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | N/A | |
| Fri | 12:00 | 23:00 | | | |
| Sat | 12:00 | 23:00 | | | |
| Sun | 12:00 | 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 Lisa Jane Baker | |
| Date of birth | ██████████ |
| Address ██████████ | |
| Postcode | ██████████ |
| Personal licence number (if known) WEA/LN/000024250 | |
| Issuing licensing authority (if known) Wealden District Council | |

K

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).

L

| | | | |
|---|-------|--------|--|
| <p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p> | | | <p><u>State any seasonal variations</u> (please read guidance note 5)</p> |
| Day | Start | Finish | |
| Mon | 05:00 | 01:00 | |
| | | | |
| Tue | 05:00 | 01:00 | |
| | | | |
| Wed | 05:00 | 01:00 | |
| | | | |
| Thur | 05:00 | 04:00 | |
| | | | |
| Fri | 05:00 | 04:00 | |
| | | | |
| Sat | 09:00 | 04:00 | |
| | | | |
| Sun | 09:00 | 04:00 | |
| | | | |
| | | | <p><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)</p> |

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)

Alcohol supplied under the licence will be via orders taken through the Just Eat/ Uber Eats website and Just Eat/ Uber Eats App and dispatched from the business premises direct to the customer's registered address on the order ticket. The business premises will also be open to the general public for sales of alcohol and food by retail sales. Customers can only order alcohol while ordering food at the same time. We hold regular training with all our staff to ensure our high standards are met at all times. We have already trained all our staff to enforce a strict control on excessive drinking. Members of staff under the age of 18 are not permitted to sell alcohol to our customers on the licenced premises. We regularly speak to the Just Eat and Uber Eats area managers to re-enforce challenge 25 with all their delivery drivers.

- TAKEAWAY BURGER BAR
- LATE NIGHT TAKEAWAY FOOD
- EARLY MORNING COFFEE BAR FOR PEOPLE USING THE TRAIN STATION
- TAKEAWAY AND COLLECTION ONLY
- PRE-ORDERS / PHONE ORDERS ACCEPTED / ENCOURAGED TO PREVENT DELAYS
- ORDERS ARE PLACED AT THE WINDOW OR THROUGH THE FOOD APPS

b) The prevention of crime and disorder

Deliveries of alcohol will not be made if there is no adult present to accept the delivery. Challenge 25 - the Premises Licence Holder will require all delivery operatives to request proof of age at the point of delivery of alcohol products if the individual receiving the product appears under 25. Acceptable age verification documents will only be Proof of Age cards with the 'PASS' hologram, UK Photo Driving Licence, Military ID, Passport or European Union Member state ID card with photo. Warnings will be displayed on the Company's website to remind customers that any purchase of alcohol must be made by someone over 18 and proof of ID needs to be presented if requested otherwise the alcohol will not be delivered. All alcohol sold for consumption off the premises will be poured into a plastic cup with a lid (if in a glass bottle) or remain in the can or remain in a plastic sealed bottle.

c) Public safety

Health and Safety Risk assessments will be undertaken and staff shall be trained therein. We will continue to build on training and courses where required for ourselves and staff to ensure objectives are continually being met. We will of course seek guidance from the relevant authorities where and when needed to stay up to date where required.

d) The prevention of public nuisance

We will not encourage excessive drinking in any shape or form. We will continue to do our routine external checks already in place at present. We will ensure that our customers are advised and fully aware to be respectful when present and when leaving the premises. Our customer base is primarily families and adults between 18-50 years old looking for excellent burgers and fries with the possibility of 1-2 alcoholic drinks when the weather permits it (but only with their purchased food from us).

e) The protection of children from harm

As indicated in box B, Challenge 25 will apply to all deliveries and onsite sales. The Premises Licence Holder has required that all Just Eat Delivery drivers are instructed in relation to the Challenge 25 procedures. Warnings will be displayed on the Just Eat website and Just Eat App and on the shop window to remind purchasers that any purchase of alcohol must be made by a person over 18 while purchasing food.

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- 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) |
| Signature | Matthew Howard |
| Date | 22 nd March 2021 |
| Capacity | Director |

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) MATTHEW HOWARD [REDACTED] | | | |
| Post town | [REDACTED] | Postcode | [REDACTED] |
| Telephone number (if any) | [REDACTED] | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

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:

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

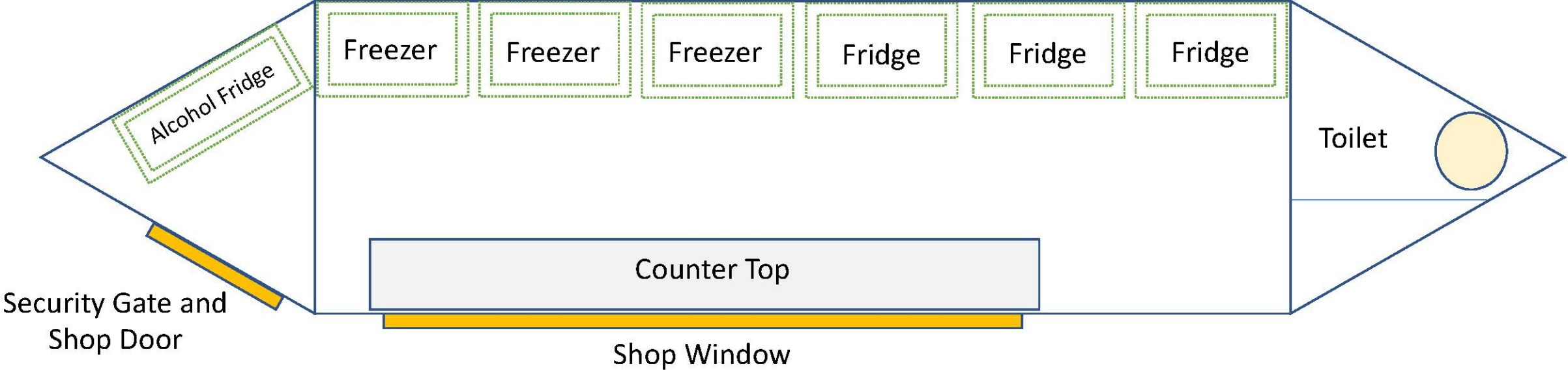
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants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

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DIRTY BURGER BROS

Dirty Burger Bros Ltd, 2 Old Orchard Road, Eastbourne, East Sussex, BN21 1DB
Telephone: 01323 733 733

Page 37



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From: EastSussex.Licensing@sussex.pnn.police.uk
To: Pallister, Kevin <Kevin.Pallister@lewes-eastbourne.gov.uk>, Fuller, Robin <Robin.Fuller@lewes-eastbourne.gov.uk>, Thornton, Paul <Paul.Thornton@lewes-eastbourne.gov.uk>
CC:
Sent: 06/04/2021 13:46:06
Subject:FW: Dirty Burger New Premises licence application EBC, Ref: 053393- await PNC DPS MW

Attachments:

- (1) image001.png (24 B)
- (2) image003.jpg (4 B)
- (3) (0 B)

Good afternoon,

Please see attached email thread from the applicant which details our discussions and agreement. I have attached a further email where they have agreed to the CCTV condition as well.

For ease, we have agreed the following operational times and conditions;

Monday-Wednesday - no late night refreshment – close at 2300hrs

Thursday - close at 2400hrs

Friday and Saturday – late night refreshment until 0200.

Sunday - late night refreshment until 0200 for the purpose of Bank Holiday weekends.

CCTV:

- a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas. The system shall be on and recording at all times the premises licence is in operation.
- b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- c) CCTV footage will be stored for a minimum of 31 days.
- d) 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 suspected or alleged crime.
- e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device

acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

- g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.
- h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable

Training/Authorisation:

- a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products: *The lawful selling of age restricted products *Refusing the sale of alcohol to a person who is drunk
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

Challenge 25:

- a) The premises will operate an **age verification** policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
- b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

Incident / Refusal Log:

- a) An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a fortnight.

- b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- d) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

Alcohol display;

No Alcohol to be on display.

OFF Sales;

All sales of alcohol, for consumption off the premises, to be made in a sealed container.

Alcohol shall only be sold for consumption off the premises in conjunction with the sale of food for takeaway or delivery.

A minimum spend of £6.50 of food for take away and deliveries must be made before alcohol can be purchased.

No beer, lager or cider with an ABV of 6.5% or above, will be stocked, displayed for sale or Sold. In addition you will refuse the sale of all alcohol to persons known to cause drink related anti-social behaviour within the area or persons suspected or supplying alcohol to such individuals.

Deliveries:

1) Deliveries of goods necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The same applies to waste collections.

2) All alcohol orders (whether online, completed by the customer on paper, via the phone or verbally face to face) will contain age verification, whereby the customer

will be asked to confirm that they are over 18 and a tick box must be marked to confirm this.

- 3) All deliveries of alcohol must be made by a person over the age of 18 years
- 4) Alcohol shall not be delivered to anywhere other than a recognisable permanent business or residential address.
- 5) In the event that there is no one to accept delivery, alcohol shall not be left on the doorstep or any other place. It can however be left securely with a neighbour as long as they are over 18.
- 6) Each and every delivery must be signed for and the person delivering the alcohol must request appropriate photographic ID from the recipient if that person is believed to be under 25 years of age. If no such ID is produced the alcohol will not be delivered.
- 7) Delivery staff must be trained in delivery of alcohol and challenge 25 prior to commencing deliveries.

Sussex Police Licensing has no objections to this application provided that the reviewed times and agreed conditions are placed on the licence if granted.

Kind Regards

Kirstie Rolfe
**Sussex Police Licensing Officer – Eastbourne, Lewes, Wealden,
Hastings & Rother District**
Neighbourhood Policing Team
Hailsham Police Station | East Sussex
EastSussex.Licensing@sussex.pnn.police.uk

From: Matthew Howard [REDACTED]
Sent: 31 March 2021 23:41
To: contact <contact@dirtyburgerbros.co.uk>; East Sussex Licensing <EastSussex.Licensing@sussex.pnn.police.uk>; Matthew Howard <[REDACTED]>
Subject: Re: Dirty Burger New Premises licence application EBC, Ref: 053393- await PNC DPS MW

****External Email - Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).****

Hi Kirstie,

I want to follow up on our conversation that we had at lunchtime today and see if we can come to an agreement on a few things.

After chatting with my brother, we would like to see if we can agree on these points:

A minimum spend of £6.50 of food for take away and deliveries must be made before alcohol can be purchased. (£6.50 is the price of our cheapest single burger - this would mean the customer needs to purchase a main instead of just a side dish of chips)

Monday-Wednesday - no late night refreshment – close at 2300hrs

Thursday - close at 2400hrs

Friday and Saturday – late night refreshment until 0200.

Sunday - late night refreshment until 0200 for the purpose of Bank Holiday weekends. We are open to another suggestion if it does not require us to pay to resubmit our application again which is in the region of £300 in total.

Will the premises have CCTV installed? Yes

We agree to the new amendments to the licensing conditions, if granted.

We agree alcohol will be served from a sealed container.

Please let me know if you agree.

Many thanks

Matthew

On Wed, 31 Mar 2021 at 11:28, contact <contact@dirtyburgerbros.co.uk> wrote:
Hi Kirstie,

Thank you again for sending this over.

I just have a few small things I would like to chat about/negotiate with you. Then I will be happy to proceed with your recommendations.

Many thanks

Matthew


Sent from my iPhone

On 30 Mar 2021, at 11:38, EastSussex.Licensing@sussex.pnn.police.uk wrote:

Good morning Mr Howard,

I am in receipt of the attached premises licence application. I wish to discuss the application with you but have so far not been able to reach you on either contact numbers provided.

I have concerns with the operational hours, mainly late night refreshment you have applied for. The premises is located in a residential area, next to a taxi rank and near a train station. By remaining open until 0100hrs Monday- Wednesday and 0400 Thursday –Sunday could have a negative impact on the residents and even risk an increase in crime and disorder.

Staying open so late will likely add issues to the dispersal of people from the pubs and clubs. It is for this reason we would like you to consider reducing those hours. I would like to suggest the following for you to consider;

Monday-Thursday - no late night refreshment – close at 2300hrs

Friday and Saturday – late night refreshment until 0200.

Will the premises have CCTV installed?

I have reviewed the steps you have offered under the four licensing objectives. Taking in to account what you have offered, I would like to make the following suggestions of conditions to be placed on your licence, if granted;

Training/Authorisation:

- a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products: *The lawful selling of age restricted products
*Refusing the sale of alcohol to a person who is drunk
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

Challenge 25:

- a) The premises will operate an **age verification** policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for

photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.

b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

Incident / Refusal Log:

a) An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a fortnight.

b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

d) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

Alcohol display;

No Alcohol to be on display.

OFF Sales;

All sales of alcohol, for consumption off the premises, to be made in a sealed container.

Alcohol shall only be sold for consumption off the premises in conjunction with the sale of food for takeaway or delivery.

A minimum spend of £10 of food for take away and deliveries must be made before alcohol can be purchased.

No beer, lager or cider with an ABV of 6.5% or above, will be stocked, displayed for sale or Sold. In addition you will refuse the sale of all alcohol to persons known to cause drink related anti-social behaviour within the area or persons suspected or supplying alcohol to such individuals.

Deliveries:

1) Deliveries of goods necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The same applies to waste collections.

2) All alcohol orders (whether online, completed by the customer on paper, via the phone or verbally face to face) will contain age verification, whereby the customer will be asked to confirm that they are over 18 and a tick box must be marked to confirm this.

3) All deliveries of alcohol must be made by a person over the age of 18 years

4) Alcohol shall not be delivered to anywhere other than a recognisable permanent business or residential address.

5) In the event that there is no one to accept delivery, alcohol shall not be left on the doorstep or any other place. It can however be left securely with a neighbour as long as they are over 18.

6) Each and every delivery must be signed for and the person delivering the alcohol must request appropriate photographic ID from the recipient if that person is believed to be under 25 years of age. If no such ID is produced the alcohol will not be delivered.

7) Delivery staff must be trained in delivery of alcohol and challenge 25 prior to commencing deliveries.

Most of the above conditions are similar to what you have already offered, just worded in a way that makes it easier to understand and enforce. If you wish to discuss anything I have raised please let me know a suitable time for me to call you.

Please respond with your answers and acceptance or otherwise within the next 7 days. Failure to reach an agreement could result in us raising an objection to this application.

Kind Regards

<image001.png>

Kirstie Rolfe

**Sussex Police Licensing Officer – Eastbourne, Lewes, Wealden,
Hastings & Rother District**
Neighbourhood Policing Team

Hailsham Police Station | East Sussex

EastSussex.Licensing@sussex.pnn.police.uk

<image003.jpg>

From: Pallister, Kevin [mailto:Kevin.Pallister@lewes-eastbourne.gov.uk]
Sent: 24 March 2021 12:10
To: Responsible Authorities <ResponsibleAuthorities-eastbourne.gov.uk@lewes-eastbourne.gov.uk>; East Sussex Licensing <EastSussex.Licensing@sussex.pnn.police.uk>
Cc: Ball, Danielle <Danielle.Ball@lewes-eastbourne.gov.uk>; Thornton, Paul <Paul.Thornton@lewes-eastbourne.gov.uk>; Fuller, Robin <Robin.Fuller@lewes-eastbourne.gov.uk>; Hume, Murrae <Murrae.Hume@lewes-eastbourne.gov.uk>
Subject: Dirty Burger New Premises licence application EBC, Ref: 053393- await PNC DPS MW

****External Email - Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).****

24 March 2021

Notification of licence application

Re: Premises licence application EBC, Ref: 053393 - Dirty Burger Bros

2 Old Orchard Road, Eastbourne East Sussex BN21 1DB

Please find attached a copy of the recent application form for a Premises licence application EBC.

Should you wish to make representation against this application then please do so within 28 days of the above date (by 21/04/2021).

For a representation to be considered relevant, it must address the likely effect the granting of the application will have on the promotion of one or more of the following licensing objectives:

- The prevention of crime and disorder;
- Public nuisance;
- Public Safety;
- Protection of children from harm

You can make representation by replying to this email or by post to 1 Grove Road, Eastbourne, BN21 4TW. Please quote reference 053313 in your correspondence and state clearly whether you are supporting or objecting to the application and your reasons for doing so.

Yours sincerely,

Kevin Pallister

Caseworker (Case Management)

In partnership with Eastbourne Homes Limited a company wholly owned by Eastbourne Borough Council (Registered Company Number: 5340097) England and Wales. 1 Grove Road, Eastbourne, East Sussex BN21 4TW.

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You can report crime and incidents online at

<https://www.sussex.police.uk/report-online>

We want to know your views - see what's new and give us your feedback and suggestions at www.sussex.police.uk

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<Premises_licence_application_v1.0 Dirty Burger.pdf>

<Shop Layout_v1.0.pdf>

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Dear Sir or Madam

I write to object most strongly to the application for a licence to sell alcohol from a burger stall called Dirty Burger Bros Ltd. in Old Orchard Road. I am resident in Stafford House on Southfields Road with our street entrance immediately opposite the Dirty Burger Bros Ltd.

The prevention of crime and disorder

Our main concern is that even though alcohol sales are intended to NOT be consumed in the street, the general public will either not realise this or be prepared to flout the law, and it will not be possible for Dirty Burger Bros to enforce. This in turn will create extra work for our already overworked police force who try to stop crime and disorder in Eastbourne Town centre. We as neighbours will have our lives disrupted and have a reasonable expectation to be protected from crime and disorder in the area in which we live.

Public Safety and the prevention of public nuisance

Alcohol purchased from this burger stand may well be illegally consumed in the street (not taken home) and we will suffer the late night fall out from that: noise nuisance, rubbish - food and packaging, bird and animal nuisance, alcoholic fuelled conversations and incidents, some of which takes place on our premises as it is adjacent to junction with Old Orchard Road. Our car park and bin area are often used as a toilet after dark, and for other anti-social, and drug related behaviour. This is both a public nuisance and a matter of public safety, and we feel that the addition of illegally consumed alcohol (although purchased legally) will fuel this problem.

We are already troubled by customers of DBB using our entrance porch as a dining area and leaving their rubbish which is a public nuisance and alcohol consumption may increase this, causing customers to be more reckless.

This area of Eastbourne has sadly degenerated in recent years, perhaps because of the closure of the police station in Grove Road, although one would think that the police office and the parking of police cars on Old Orchard Rd would deter anti-social behaviour, but it does not appear to do so. We fear that the sale of alcohol from DBB will make this worse.

Alcohol served in the street and into the night will increase crime and vandalism in the area the cost of which will eventually be passed to local council taxpayers.

The protection of children from harm

Any late-night disturbance in the street outside our homes, threatens to spoil our children's sleep and sense of safety.

Yours faithfully

Mary Gray

[REDACTED]

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-----Original Message-----

From: Juliette Hale <[REDACTED]>
Sent: 20 April 2021 21:30
To: licensing <licensing@lewes-eastbourne.gov.uk>
Subject: Licence application, 2 Orchard Road Eastbourne

I am writing to object to the licence application by Dirty Burger Brothers Ltd. to sell Alcohol. I am a leaseholder of a flat in Stafford House, directly facing the burger stall.

My Objections are on the following grounds-

Re Prevention of Crime and disorder

This will inevitably be affected by increased availability of alcohol. We need to be looking at ways of reducing crime rates in the town not fuelling them by allowing alcohol to be supplied until 2am two or three nights a week, particularly from premises without any facilities .

Prevention of Public Nuisance

Allowing this licence, will undoubtedly mean an increase in noises of various types, an increase of litter and with no toilets nearby, urinating and vomiting in private yards, gardens and roads. No adjacent Residents living/ sleeping locally wants all that going on until the small hours.

Prevention of children from harm

Risk of potential increase in antisocial behaviour, swearing and hazard from broken bottles in a residential area.

Juliette Hale
Sent from my iPad

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Dear Danielle

Thank you for your email and your phone call. I confirm that I would be willing to try and resolve this matter informally. I am not available week commencing 26 April but should be from the week after.

I should explain that I am making this representation on behalf of all the occupants of Stafford House, twelve households in all, as I am one of the Directors of Stafford House (Eastbourne) Limited, the company that runs the building.

Had we known about the application for this licence sooner, (it was just by chance that the small sign was noticed on the door of the kiosk of Dirty Burger Bros (DBB) – only visible when the kiosk is closed) we would have asked our neighbours in Southfields Road and Old Orchard Road and proximity if they have similar concerns.

We are therefore concerned that should this application be successful there will be some upset and worried residents in the vicinity in addition to us at Stafford House.

You have already seen our quickly prepared email dated 14 April 2021, but we will use this opportunity to set out our situation more precisely.

Our main concerns are:

The prevention of crime and disorder - the proposed hours of opening and potential abuse of alcohol will encourage crime and disorder in what is a residential area

This is fundamentally a residential area on the edge of a commercial area – Old Orchard Road and Southfield Road both have building projects ongoing adding to the number of residences, so it is clear that the purpose of this area is to house people with their families and provide easy access to services such as transport, libraries, doctors and dentists, and shops for everyday living.

We accept that this could **nowadays** also include access to take- away food at hours to benefit the living and working community.

The occupants of this residential area have a right to enjoy their environment without the increase in the threat of crime and disorder and public nuisance. We have chosen to live here assuming that we will be able to get a good night's sleep every night before setting off to work and school the following day and to walk in streets not littered with discarded food wrappers and beer cans, or fear vandalism to our properties and cars.

We have welcomed this small business into the area, not expecting for one minute that there would be an attempt to turn the area into an outside late-night venue for eating and drinking. We accept that a small business such as Dirty Burger Bros. can fit well with the ethos of local sole traders to service the residents and the workers in adjacent areas. However, we do not find it acceptable to take the risk that late hours and alcohol sales may change the nature of the area by increasing public disorder.

It will also bring cars into the area, to pick up food and alcohol to take away late at night adding to the noise and traffic pollution.

The prevention of nuisance

The area already suffers from littering and noisy late night customers leaving clubs and pubs in other areas of Eastbourne, particularly at the weekend.

The introduction of food and drink at late hours for consumption in the street, will turn the area into a mecca for people exiting pubs and clubs wishing to extend their night out. We really cannot accept this as it will cause an enormous public nuisance to what is in effect a residential area.

We acknowledge the intentions of the DBB to moderate behaviour, we do not believe that in practice this is what will happen. Customers coming late at night to purchase food are often inebriated anyway so it is not realistic to expect customers to adhere to the rules. We would prefer those customers to be discouraged from coming to our neighbourhood to avoid public order issues, thus not adding to the workload of our already overworked police force.

This type of operation is better suited to other commercial areas of Eastbourne, although we would question the wisdom of allowing any business to add to the problem of late-night drunkenness and public littering in Eastbourne.

We do not see anything in the plan to deal with the amount of waste left in the streets and on our property from take away food outlets. Some additional bins that are emptied every night/early morning by the owners and a general street clean in the vicinity would be helpful, whatever hours they operate.

The protection of children from harm

Late night noise and street vandalism, disturbs and frightens our children and litter in the street is unhygienic.

Public Safety

The likely misuse of alcohol will reduce public safety in the area.

We consider it unnecessary and potentially problematic to sell alcohol from the stall at any time of the day or night.

We understand it is illegal to consume alcohol in the street and we understand that the owners of DBB have plans to prevent people doing so but we do not believe that these plans can be successful.

We welcome the plans for CCTV although all the points in DDB's amended proposal on CCTV appear to assume it will not prevent the crime that we are so concerned about, but merely assist the police in dealing with it after it has happened. **We do not wish to suffer any increase in crime and disorder. We seek to eliminate it.**

We are already greatly troubled by revellers using our premises to picnic, go to the toilet and deposit their rubbish after dark. CCTV may well be a deterrent but will not stop this behaviour especially if offenders are already reckless due to the consumption of alcohol. We further anticipate that the DBB customers will move away from the stall and hide in our car park or service yard, to avoid all the preventative measures proposed.

Summary

1. We have no objection to the DBB kiosk operating up to 22.00 on a weekday and 23.00 on Saturday
2. We have no objection to the DBB kiosk selling alcohol to their customers to be delivered at their home addresses under the conditions that DBB proposes.
3. We oppose the sale of alcohol to people at the kiosk under any circumstances
4. We welcome the plans for CCTV
5. We would like to hear of any proposals for dealing with the littering resulting from the sale of food and drink by the DBB kiosk and proposals for cleaning up after the customers in the surrounding area.
6. Since we have suffered additional trespasses onto our property since the opening of DBB, the Directors of Stafford House (Eastbourne) Limited are discussing the erection of Private Property signs to try to deter this. If our plan goes ahead, we would respectfully ask that Dirty Burger Bros contribute to the cost.

Many thanks Danielle for your help with this.

all best wishes

Mary Gray

Director, Stafford House (Eastbourne) Limited

On Tue, 20 Apr 2021 at 12:39, Ball, Danielle <Danielle.Ball@lewes-eastbourne.gov.uk> wrote:
Dear Ms Frances Mary Gray

Licensing Act 2003

**Premises licence application (post) EBC
Kiosk Adj 2 Old Orchard Road Eastbourne East Sussex BN21 1DB**

I write concerning correspondence which was received by my office on the 16th April 2021.

Please be advised that any representation, along with your details will normally be released to the applicant and/or their Agents as part of the process, unless you indicate that there are specific circumstances where you believe that your details should not be released. Please inform us of this within 24 hours of receipt of this letter.

Frequently, a meeting is convened between the applicant and those making representations, which on occasion is attended by members of the Council Licensing Team in order to resolve matters informally. I would be happy to act as a mediator in any meetings held. Please let me know if you would be happy to meet with the applicants or if there is anything that the applicants can amend to alleviate your fears.

Your representations, and details in part, will also be included as part of any subsequent Committee Report in order for all parties to be informed of your representation.

I must remind you that any representations must relate to the Licensing Objectives which are:

- The prevention of crime and disorder
- The prevention of nuisance
- The protection of children from harm
- Public Safety

The initial consultation period for relevant representations finishes on 21st April 2021 and, where necessary, a hearing will be convened which you will be invited to attend to support your representations.

Due to Covid-19 (coronavirus), we are experiencing an increase in phone calls and a reduction in staff.

To free up our staff to help those most in need, we are asking customers to use our online services at www.lewes-eastbourne.gov.uk whenever possible. This is available 24 hours a day, 7 days a week, at a time that's best for you. If you register and sign in to your account you can track the status of your reports and requests online. The website also has a new webchat available which is open from 8.30am to 5pm Monday to Friday.

Following government guidelines on social distancing, we have now closed our reception areas at Grove Road in Eastbourne and Southover House in Lewes. This is to protect our residents and staff.

Our services are under constant review as we respond to the situation. To find the latest updates from the councils on Covid-19 (coronavirus), please visit www.lewes-eastbourne.gov.uk/covid19/

Yours sincerely

Danielle Ball
Specialist Advisor Licensing

Phone: 01323 415333

Email: danielle.ball@lewes-eastbourne.gov.uk

Online: www.lewes-eastbourne.gov.uk

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Mary Gray



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