

APPENDIX 4



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Local Policing Support Team

28th November 2109

Licensing department
Eastbourne Borough Council
Grove Road

Dear Mrs Ball,

RE: APPLICATION FOR VARIATION AT THREE MONKEYS BAR & KITCHEN, 16 LANGNEY ROAD EASTBOURNE BN21 3QA, UNDER THE LICENSING ACT 2003. LICENCE 049909

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

This is a proposed licence variation in an area of Eastbourne which is subject to a Special Policy adopted by Eastbourne Borough Council (EBC). The premises lies within the Cumulative Impact Zone (as defined in the EBC statement of Licensing Policy 2019-2024) and seeks to amend the licence by removing a number of existing premises licence conditions and extending licensable activities and hours.

Paragraph 8.1 of Eastbourne Borough Councils statement of Licensing Policy 2019-2024 states; **The impact of the number, type and density of licensed premises in a given area may lead to problems of noise, nuisance, crime and disorder outside of, or a distance from licensed premises. Cumulative Impact is defined as the “potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area,” and is a proper matter for consideration by the Licensing Authority.**

The current premises licence, under the name of Morey's, is suspended and has no Designated Premises Supervisor (DPS) they had the following licensable activities;

- Late Night Refreshment Monday to Sunday 2300-2330hrs
- Supply of Alcohol Monday to Friday 0800-2330hrs

The applicant describes the nature of proposed variation; live music, dancing, karaoke, films, indoor sporting events, boxing & wrestling entertainment and dancing performances. They also want to extend the “supply of alcohol” and late night refreshment to 0230hours.

The following conditions to be removed;

- Waiter service to persons seated at tables.
- Substantial food available at all times.

The applicant seeks the following licensable activities and timings;

- Films Monday Sunday 0800-0300
- Indoor Sporting events Monday to Sunday 2300-0300 **(this has been crossed out, unsure if actually required)**
- Boxing or wrestling Monday to Sunday 2300-0300 **(this has been crossed out, unsure if actually required)**
- Live music Monday to Sunday 2300-0300
- Recorded music Monday to Sunday 2300-0300
- Performances of dance Monday to Sunday 2300-0300
- Anything of a similar nature Monday to Sunday 2300-0300 “use of Karaoke machine amplified.
- Provisions of facilities for making music Monday to Sunday 2300-0300 **(crossed out, nothing mentioned in brief description)**
- Provisions of facilities for dancing Monday to Friday 2300-0300 **(this has been crossed out, unsure if actually required)**
- Late Night Refreshment Monday to Sunday 2300-0230
- Supply of alcohol Monday to Sunday 2300-0230

Under the four Licensing Objectives, the applicant has copied the current licence conditions minus those applied to be removed. Nothing additional has been added or offered.

On review of the application it appears that the premises is looking to become a late night bar/club. This is evidenced by the requested removal of the restaurant condition therefore making them a vertical drinking establishment, the extended licensable hours and description of what licensable activities they would like to have.

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

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

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

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

The applicant has not referred to the Cumulative Impact Policy or the EBC statement of Licensing in their application. They had not offered any additional conditions that would help mitigate any potential risk in a busy part of Eastbourne or provided any assurances of how the premises will promote the licensing objectives.

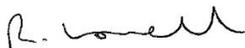
Sussex Police Licensing held a meeting with the applicant Mr Dene Sonnessa on 13th November 2019 at Bexhill Police Station. He was asked to clarify what type of premises he wanted to be as his application was not clear. He didn't really know but wanted the freedom within the licence to be able to try different things which is why he has asked for everything. He was advised that the application fell short of what was required. He explained he thought it would be straight forward as he was granted the current one without issue. It became clear he didn't understand the difference of licence he was applying for, have knowledge of the CIZ or had read the EBC statement of licensing. We spent an hour discussing things he should have been aware of but unfortunately wasn't.

Mr Sonnessa was emailed some conditions to consider being placed on his licence. He responded a day later than requested but was in agreement to the conditions. It is felt that as much as he has accepted the conditions, he had a further opportunity to detail himself how his premises would not have a negative impact on the night time economy which despite our meeting and having been handed the EBC statement of policy, failed to do so. We are therefore not confident that this premises will effectively promote the licensing objectives.

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

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

Yours sincerely,



Insp Rob Lovell
Licensing Inspector
Local Policing Support Team
Sussex Police

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