

Licensing

my ref:

your ref:

date: 1st February 2021

Zia Merton
ESI LICENCE
84 Hayes Lane
Bromely
BR2 9EE

Dear Sir/Madam

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

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

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

This is a representation against the application.

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

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

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

Lewes District Council

Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

Eastbourne Borough Council

1 Grove Road
Eastbourne
East Sussex
BN21 4TW

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

Operating Schedule.

General

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

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

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

Prevention of Crime and Disorder

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

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

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

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

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

Will alcohol be sold without a purchase of food?

Does the business intend to display alcohol at the site?

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

SIA Staff

The Licensing Authority notes the following information in the application:

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

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

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

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

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

Prevention of a Public Nuisance

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

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

Protection of Children from Harm

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

Overall

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

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

Yours faithfully

P.Thornton

Paul Thornton
Specialist Advisor Licensing