

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

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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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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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<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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