

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate 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 MR VICTOR FOX

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The LA Café, 1 Grand Parade	
Post town Skegness	Post code (if known) PE25 2UN

Name of premises licence holder or club holding club premises certificate (if known) Mirch (2022) Limited

Number of premises licence or club premises certificate (if known) PLA008445
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) /

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr / Mrs Miss Ms Other title
(for example, Rev)

Surname

Fox

First names

Victor

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

1 to 2 Grand Parade

Post town

Skegness

Post Code

PE25 2UN

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Europa Fisheries Ltd
1 to 2 Grand Parade
Skegness
Lincolnshire

The Factory Rock Shop
113b Lumley Road
Skegness
Lincolnshire

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm
- /

Please state the ground(s) for review (please read guidance note 2)

Please see attached/enclosed for your attention the following:–

- i. Applicant's letter of objection to the grant of a new Premises Licence dated 10 August 2023.
- ii. The report of Gateley Smithers Purslow of 26 September 2023 together with plan.
- iii. The report of Gateley Smithers Purslow of 27 September 2023.
- iv. A copy of our letter to Asak Leisure Ltd of 30 October 2023.
- v. A copy of the licence conditions in respect of this Premises Licence.

The request for the review is based upon the grounds of public safety.

As can be seen from the current conditions for the Licence, there are two balcony areas within premises. See in particular condition 9 states which as follows:–

" The maximum number of people permitted on the Grand Parade balcony is 60 and the maximum number of people permitted on the Lumley Road balcony is 60."

The balconies have caused concern to the Applicant, for fear that they are not of sufficient structural integrity to withhold these sorts of numbers of people. As a consequence thereof Gateley Smithers Purslow (Andrew Gooud) was instructed to consider the structural integrity of the balconies.

In particular I refer to the conclusions in that report from paragraph 5. In particular it appears that the loading on the balcony could be five times more than which was originally intended, and Mr Gooud says this is "unacceptable".

I am also concerned about the "rusted beam and goal post steel structure" which has been fixed on the underside of the balcony towards the entrance of the premises. Clearly this structure had been put in place due to concerns about the structural integrity/capacity of the balcony. My concern, and that of Mr Gooud, relates to the level of corrosion which is visible at the base of the post and also in the beam. This again gives real cause for concern.

I note that the Premises Licence holder produced a report to suggest the balcony areas were safe. As a consequence I commission a second report from Gateley Smithers Purslow, dated 27 September 2023.

Mr Gooud states that the Licence holder's expert has made an incorrect assumption about the loading for the balcony areas, in particular there is a 4 metre cantilever over my fish and chip shop which has no intermediate supports. Mr Goode remains of the view that the balcony could be supporting loads of up to five times greater than that first envisaged, which is clearly unsafe.

Mr Gooud has also referred to a steel balustrade, and believes this to be inadequate and that the push test undertaken was not sufficient to prove its safety.

Due to these concerns I have written to the Licence holder. I provided the Licence

holder with a copy of both of the reports of Gateley Smithers Purslow and raised my concerns with them regarding the safety of the balconies and also the balustrade.

In essence I requested the Licence holder either confirms in writing that the balconies would not be used or otherwise provide details of remedial work that would be undertaken to address the public safety concerns raised by the expert reports.

Unfortunately to this date I have had no response. I have also written to the Licence holder's representative, who his assisting with the licensing applications. He stated that he is not instructed on this matter and directed that I contact his client directly (as I have done).

I therefore believe that if the balconies are used, which is clearly the intention of the Licence holder bearing in mind condition 9 of the Licence, there is a real risk of harm to the public. I do not believe that either of the balconies in question will be able to safely withhold the loading of up to 60 persons. There could be a serious accident. I am also concerned about the safety of persons visiting my fish and chip shop at 1 to 2 Grand Parade and my confectionary shop at 113b Lumley Road, as they will walk underneath these unsafe balconies.

Recently, in August/September 2023, an application was made for a new Premises Licence for this premises. Please see attached the Objections that I made then, which related to public safety. Significantly the Applicant for that new Premises Licence did withdraw the application, and now it seems that the current existing Licence is being relied upon (with a variation that was recently made to East Lindsey District Council).

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Although representations for review have not previously been made, I refer to my enclosed letter of 10 August 2023 about a previous application for a new Premises Licence. I objected to that Premises Licence upon the grounds of public safety. That application for a new Premises Licence was then withdrawn.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[REDACTED]

Date

18/12/23

Capacity

SOLICITOR FOR THE CLIENT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Grant Shackleston Chattertons Solicitors 28 Wide Bargate	
Post town Boston	Post Code PE21 6RT
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	
[REDACTED]	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.