

Licensing Act Sub-Committee

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MEMBERS: Councillor Hearn (Chairman); Councillors Belsey and Murray

Agenda

- 1 Apologies for absence.**
- 2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.**
- 3 Variation of a Premises Licence - Fresh and Grilled Piri Piri Restaurant, 25 Langney Road. (Pages 1 - 54)**

Report of Senior Specialist Advisor.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a 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). If a member has a DPI he/she may not make representations first.

Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415021/5023 Minicom: (01323) 415111, Fax: (01323) 410322
E Mail: localdemocracy@eastbourne.gov.uk
Website at www.eastbourne.gov.uk

For general Council enquiries, please telephone (01323) 410000 or E-mail: enquiries@eastbourne.gov.uk

Body: Licensing Sub Committee
Date: 11th June 2015
Subject: Application For a Variation to Premises Licence For: "Fresh and Grilled Piri Piri Restaurant", 25 Langney Road, Eastbourne, BN21 3QA
Report Of: Jay Virgo, Senior Specialist Advisor
Ward(s) Devonshire Ward
Purpose To determine an application for a variation to a premises licence under the Licensing Act 2003.
Contact: Jay.virgo@eastbourne.gov.uk

1.0 Introduction & Background

- 1.1 An application has been received by Eastbourne Borough Council as Licensing Authority, for a variation to the premises at 25 Langney Road, Eastbourne BN21 3QA.
- 1.2 The premises previously operated as a retail shop before becoming a restaurant and licensed premises in March 2013. The licence was granted and operated as a waiter/waitress service restaurant, where the sale of alcohol was ancillary to food. Originally trading as "Mangal Express", then "Four seasons" before closing down.
- 1.3 The current premises licence was granted on 22/03/2013 with opening hours and late night refreshment to 00.00 hours Sunday to Thursday and to 00.30 hours Friday and Saturday and for the supply of alcohol to 23.30 hours Sunday to Thursday and 00.00 hours Friday and Saturday. **See Appendix 1.**
- 1.4 The applicant, Mr Amin Haydari has now applied to become the Designated Premises Supervisor (DPS) and to have the premises licence transferred into his name.
- 1.5 The applicant, Mr Amin Haydari, has also submitted a new plan of the premises which is being structurally altered to create a take-away hot food counter at the Langney Road end of the premises, and will change the name of the business to "Fresh and Grilled Piri Piri".
- 1.6 The applicant is not proposing any changes to the previous licence in respect of the supply of alcohol.

2.0 The Application

- 2.1 An application for the grant of a variation to the premises licence under the Licensing Act 2003 has been sought by Mr Amin Haydari for the following activities:

Late night refreshment (off the premises)

23.00- 03.30 hours Monday, Thursday, Friday, Saturday.

23.00 –02.00 hours Tuesday, Wednesday, Sunday.

Supply of alcohol (On the premises only) (No change).

10.00 – 23.30 hours Monday, Tuesday, Wednesday, Sunday.

10.00 – 00.00 hours Friday, Saturday.

Open to the Public

10.00- 03.30 hours Monday, Thursday, Friday, Saturday.

10.00 –02.00 hours Tuesday, Wednesday, Sunday.

3.0 Licensing Objectives

3.1 When submitting an application for a variation to a 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 2** and also includes a new plan of the premises.

4.0 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. A number of "Responsible Authorities" have also been consulted as part of the process, allowing a consultation period of 28 days for representations to be made.

4.2 In this instance, as a result of the consultation process, a number of representations have been received. These are detailed at Section 8 of this report.

5.0 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

6.0 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance Issued

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 2014 – 2019 available via:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/>

- Section 182 Guidance issued by the Home Office, (revised in March 2015) available via:

<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

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 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.

6.7 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 from accessing 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.

7.0 Cumulative Impact

- 7.1 The premises in question is located within the *Cumulative Impact Zone*. It is recognised that 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.
- 7.2 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.
- 7.3 The Licensing Authority may receive representations from a Responsible Authority or ‘Interested Party’ that the cumulative effect of licences is leading to an area becoming saturated. This creates exceptional problems of disorder and nuisance, over and above the impact from individual premises which undermines the promotion of one or more of the licensing objectives.
- 7.4 Where valid representations are received, the Cumulative Impact Policy creates a *rebuttable presumption* that the application will be *refused*.

It is for the applicant to address the Cumulative Impact Policy and produce evidence to demonstrate that the matter:

- (a) Will not add to the cumulative impact caused by licensed premises and challenges already experienced in the area;
 - (b) Will not undermine the promotion of the Licensing Objectives.
- 7.5 The Cumulative Impact Policy clearly states that licence applications in the Zone should be refused, unless Members are satisfied that the applicant has provided evidence to show that premises will not exacerbate existing issues in the locality, or undermine the promotion of the Licensing Objectives.
- 7.6 The Cumulative Impact Policy can be found within the Council’s Statement of Licensing Policy 2014 – 2019.

8.0 **Representations**

- 8.1 A full copy of all representations is included at **Appendix 3**, however a summary appears below.

Interested Parties

There have been 3 representations from members of the public one of which is a petition with 42 names of local people:

Councillor Steve Wallis.
Petition of 42 local residents / businesses.
Mr A Ley, on behalf of Town Centre Neighbourhood Panel

The representations centre on the prevention of public nuisance (noise) and the prevention of crime and disorder Licensing Objectives.

Representations from Responsible Authorities

There has been 1 representation from responsible authorities:

- **Sussex Police – Representation attached.**
- **Eastbourne Borough Council Health and Environment Team – No representation.**
- **Eastbourne Borough Council Health and Safety Department – No representation.**
- **Eastbourne Borough Council Planning Department– No representation.**
- **Eastbourne Borough Council Licensing Team- 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**

- 8.2 The Sub Committee will need to have regard to any history or likelihood of noise, nuisance, crime and disorder at the site, or in the vicinity of the site. In addition, matters impacting upon public safety and strategies to protect children from harm will also need to be considered.
- 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 necessary, proportionate and reasonable on a case by case basis.

- 8.5 The applicant, "interested parties" and/or Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.
- 8.6 Correspondence was received from the applicant's representative dated 15th May 2015 advising that the applicant would like to negotiate an amendment to the variation to the premises licence application. This is included as **Appendix 4**.

9.0 Options open to the Sub Committee

- 9.1 The Sub Committee must have regard to the following:
- Eastbourne's Statement of Licensing Policy 2014-2019;
 - Statutory guidance under Section 182 of the Licensing Act 2003;
 - Representations from any Responsible Authority;
 - Representations from "interested parties";
 - Representations from Ward Councillors.
- The application and supporting material.
- 9.2 The Licensing Sub Committee must take the steps it considers necessary for the promotion of the Licensing Objectives and may:
- Grant the application in full as requested;
 - Grant the application but modify it:
 - By altering hours or activities;
 - Adding conditions as necessary, or
 - Omit parts as considered necessary for the promotion of the Licensing Objectives.
 - Reject the whole or part of the application.

10.0 Legal Considerations

- 10.1 The framework for the issue, variation and/or modification to applications is made under the Licensing Act 2003. The Home Office also offers guidance under Section 182 of the Act. This Guidance is provided in order to assist the Council in carrying out functions under the Act.
- 10.2 Furthermore, the Licensing Sub Committee must have regard to Eastbourne Borough Council's Statement of Licensing Policy 2014-2019.

11.0 Human Rights

- 11.1 The provisions of the Human Rights Act 1998 must be borne in mind by the Committee when taking licensing decisions under the Licensing Act 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, and Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the

Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

Has a basis in law;
Is intended to pursue a legitimate purpose
Is necessary and proportionate; and
Is not discriminatory.

Background Material

- LACORS Guidance – Committee Hearings 2006
- Section 182 Statutory Guidance to the Licensing Act 2003
- Hearing and Regulations, Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2014-2019
- Human Rights Act 1998

APPENDIX

1: Copy of the current premises licence

2: Application for a variation to a premises licence under the Licensing Act 2003.

3: Representations received.

- Email from Councillor Wallis dated 26/04/2015.
- Email from Adrian Ley of Town Centre Neighbourhood Panel dated 28/04/2015.
- Petition of 42 names from local residents dated 24/04/2015 to 03/05/2015.
- Letter from Sussex Police dated 22/04/2015.

4: Correspondence proposing to negotiate amendment to the variation application 15/05/15.

Licensing hearing/Fresh and Grilled Piri Piri.

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Part A Premises Licence

Premises Licence number

045286

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Mangal Express
25 Langney Road
Eastbourne
East Sussex BN21 3QA
Telephone number: 01323410707

Where the licence is time limited, the dates:

Start Date 22nd March 2013
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Provision of Late Night Refreshment
Sale by retail of alcohol

The public opening hours of the premises:

Monday 10:00hrs - 00:00hrs
Tuesday 10:00hrs - 00:00hrs
Wednesday 10:00hrs - 00:00hrs
Thursday 10:00hrs - 00:00hrs
Friday 10:00hrs - 00:30hrs
Saturday 10:00hrs - 00:30hrs
Sunday 10:00hrs - 00:00hrs

The times the licence authorises the carrying out of licensable activities:

Provision of late night refreshment: **Indoors**

Monday 23:00hrs - 00:00hrs
Tuesday 23:00hrs - 00:00hrs
Wednesday 23:00hrs - 00:00hrs
Thursday 23:00hrs - 00:00hrs
Friday 23:00hrs - 00:30hrs
Saturday 23:00hrs - 00:30hrs
Sunday 23:00hrs - 00:00hrs

Sale by Retail of Alcohol: On the Premises Only

Monday 10:00hrs - 23:30hrs
Tuesday 10:00hrs - 23:30hrs
Wednesday 10:00hrs - 23:30hrs
Thursday 10:00hrs - 23:30hrs
Friday 10:00hrs - 00:00hrs
Saturday 10:00hrs - 00:00hrs
Sunday 10:00hrs - 23:30hrs

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted on the premises at the given times only.

Signed: _____
Licensing Manager

Date: _____

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Nuri Ceylan
25 Langney Road
Eastbourne
BN21 3QA

Email:

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Nuri Ceylan
Flat 3
93 Pevensey Road
Eastbourne
BN22 8AD
Tel:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number	1320/045505
Issuing Authority	Eastbourne Borough Council

Annex 1 – Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

	This registration authorises the supply of alcohol subject to the following conditions:
1.	No supply of alcohol may be made at a time when (a) there is no designated premises supervisor in respect of the premises licence, or (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2.	Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision (where supervisors are engaged this condition applies)

3.	All door supervisors will be Security Industry Authority registered.
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Annex 2 – Conditions consistent with the Operating Schedule

All Licensing Objectives

1. Restaurant will be unobstructed and well illuminated for clear supervision.
2. Foods freshly prepared and cooked on the premises.
3. Consumption of alcohol as ancillary to eating food.
4. Waiter service.
5. Non alcoholic drinks and beverages also available.

Prevention of Crime and Disorder

6. Incident/refusal register maintained.
7. Closed Circuit Television operated to specifications agreed with Sussex Police.

Public Safety

8. Health and Safety risk assessments made
9. First aid station for staff and customers.
10. Fire systems to specification of fire authority/building regulations.

Prevention of Public Nuisance

11. Promote cleanliness outside immediate vicinity.
12. Discourage loitering outside.

Protection of Children from Harm

13. Proof of identity/age cards as necessary.
14. "Challenge 25" scheme adopted.

Annex 3 – Conditions attached after a hearing by the licensing authority:

Not applicable

All Licensing Objectives

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

Annex 4 – Plans

At the time of submission the attached plans are an accurate reflection of the design and layout of the premises.

Annex 5 – Mandatory Licensing Conditions

The Licensing Act 2003 (Mandatory Licensing Conditions Order 2010)

Conditions 1, 2 and 3 came into force on 6th April 2010

Conditions 4 and 5 came into force on 1st October 2010

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);

 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)

 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less

 - d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - i. the outcome of a race, competition or other event or process or
 - ii. the likelihood of anything occurring or not occurring

- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 5. The responsible person shall ensure that:
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
 - b. customers are made aware of the availability of these measures.

**Part B
Premises Licence Summary**

Premises Licence number: 045286

Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Mangal Express
25 Langney Road
Eastbourne
East Sussex BN21 3QA
Telephone number: 01323410707

Where the licence is time limited, the dates:

Start Date 22nd March 2013
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Provision of Late Night Refreshment
Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:

Are detailed as per the enclosed schedule

The times the licence authorises the carrying out of licensable activities:

LATE NIGHT REFRESHMENT			Indoors			
MON	TUE	WED	THU	FRI	SAT	SUN
23:00-00:00	23:00-00:00	23:00-00:00	23:00-00:00	23:00- 00:30	23:00-00:30	23:00-00:00
SUPPLY OF ALCOHOL			On the Premises only			
MON	TUE	WED	THU	FRI	SAT	SUN
10:00-23:30	10:00-23:30	10:00-23:30	10:00-23:30	10:00-00:00	10:00-00:00	10:00-23:30
PUBLIC OPENING HOURS						
MON	TUE	WED	THU	FRI	SAT	SUN
10:00-00:00	10:00-00:00	10:00-00:00	10:00-00:00	10:00-00:30	10:00-00:30	10:00-00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted on the premises at the given times only.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Nuri Ceylan
25 Langney Road
Eastbourne
BN21 3QA

Email:

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Nuri Ceylan

State whether access to the premises by children is restricted or prohibited:

Not applicable

Signed: _____
Licensing Manager

Date: _____

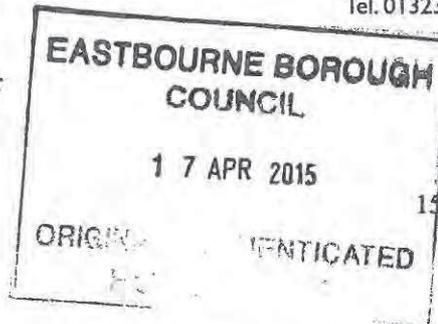
Bernard M. Hall

LICENSING CONSULTANT

5 Cacklebury Close
Hailsham
East Sussex
BN27 3LF

Tel. 01323 847012

The Health and Safety Officer
Eastbourne Borough Council
1 Grove Road
EASTBOURNE
Sussex BN21 4TW



Dear Sirs

"Four Seasons Restaurant" 25 Langney Road, Eastbourne, - Variation of Licence and to include transfer, appointment DPS and identity change.

Please find enclosed the completed application, with the necessary enclosures, for the grant by way of variation of the current Premises Licence operating at the above named premises. The current licence holder and designated premises supervisor combined are also included for alteration as well as a change of identity to the premises. Please note that the new name is "Fresh and Grilled Piri Piri".

It is necessary to make structural alterations within the building to facilitate the applicant's proposals. There are no intentions to increase the sale/distribution of alcohol to any of the later times shown in the variation, or to provide delivery/supply of alcohol to persons using the take-away service.

The two features of the application are to enlarge the scope of the business to include a take-away service of hot food. *The necessary planning approval was granted on 6th December 2012 reference EB/2012/0698 refers.* Part of this service will be via the applicant's own business transport, and part will be through pedestrians from the street. Secondly the variation is sought to increase trading hours for this sole purpose. Mr HAYDARI, the applicant, has operated a successful, licensed to similar times, take-away business at 24 Seaside, Eastbourne under his own creation of "Pizza Plaza and Piri Piri Chicken" without fault since December 2012.

Yours faithfully

Bernard M Hall

Bernard Hall
Licensing Consultant.

Enc. *Applications for variation of, ~~transfer of, change of~~ DPS Plans*

Customer First Team
 1 Grove Road
 Eastbourne
 BN21 4TW
 E-mail: licensing@eastbourne.gov.uk
 Forms & guidance can be downloaded from www.eastbourne.gov.uk/licensing



Application to vary a premises licence 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 AMIN HAYDARI

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	045286
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
[FOUR SEASONS] "FRESH AND GRILLED PIRI PIRI" 25, LANGNEY ROAD, EASTBOURNE SUSSEX			
Post town	EASTBOURNE	Post code	BN21 3QA

Telephone number at premises (if any)	T.B.A.
Non-domestic rateable value of premises	£ 21, 500.00

Part 2 – Applicant details

Daytime contact telephone number	07762026776		
E-mail address (optional)			
Current postal address if different from premises address	7, MULBERRY CLOSE, EASTBOURNE, SUSSEX		
Post Town	EASTBOURNE	Postcode	BN22 0TU

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

(1) TO ADD, TO CURRENT INDOORS NIGHT REFRESHMENT SERVICE, OUTDOORS FOR TAKE AWAY BY FOOT PASSENGERS AND FOR DELIVERY BY APPLICANT'S OWN DELIVERY TRANSPORT.

(2) TO INCREASE THE TERMINAL TIMES FOR NIGHT REFRESHMENT FOR OUTDOORS ONLY.

(3) STRUCTURAL INTERNAL ALTERATIONS TO CREATE A "SET ASIDE AREA" FOR OUTDOORS SERVICE.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors <input type="radio"/>
			NONE	Outdoors <input type="radio"/>
Day	Start	Finish		Both <input type="radio"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 4)	
Thur				
Fri			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 (please read guidance note 5)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="radio"/>
			NONE		Outdoors	<input type="radio"/>
Day	Start	Finish			Both	<input checked="" type="radio"/>
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur						
Fri			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 5)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	NONE
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			State any seasonal variations for indoor sporting events (please read guidance note 4)
			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 (please read guidance note 5)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="radio"/>
				Outdoors	<input type="radio"/>
			NONE _____	Both	<input type="radio"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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 (please read guidance note 5)		

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Day	Start	Finish	NONE	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
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 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors	<input type="radio"/>
			NONE		Outdoors	<input type="radio"/>
					Both	<input type="radio"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			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 5)			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Day	Start	Finish	NONE	
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri			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 (please read guidance note 5)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing NONE		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Mon				Outdoors	<input type="radio"/>
				Both	<input type="radio"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing NONE _____	
			Will the facilities for making music be indoors or outdoors or both - please tick (please read guidance note 2)	
			Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) State any seasonal variations for the provision of facilities for making music (please read guidance note 4) Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="radio"/>	
				Outdoors <input type="radio"/>	
				Both <input type="radio"/>	
			Please give a description of the facilities for dancing you will be providing		
			NONE _____		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing NONE _____		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Mon				Outdoors	<input type="radio"/>
				Both	<input type="radio"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Day	Start	Finish		Outdoors	<input checked="" type="radio"/>
Mon	23.00	03.30	Please give further details here (please read guidance note 3) FOR SUPPLY TO FOOT PASSENGERS AND DELIVERY BY DEDICATED TRANSPORT.	Both	<input checked="" type="radio"/>
Tue	23.00	02.00			
Wed	23.00	02.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NONE		
Thur	23.00	03.30			
Fri	23.00	03.30	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 (please read guidance note 5) EXCEPT ON A SUNDAY PRECEDING A PUBLIC HOLIDAY MONDAY, FINISH TIME IS 03.30HRS.		
Sat	23.00	03.30			
Sun	23.00	02.00			

N.B. NO CHANGE TO INDOORS LATE NIGHT REFRESHMENT AS PERMITTED ON CURRENT LICENCE.

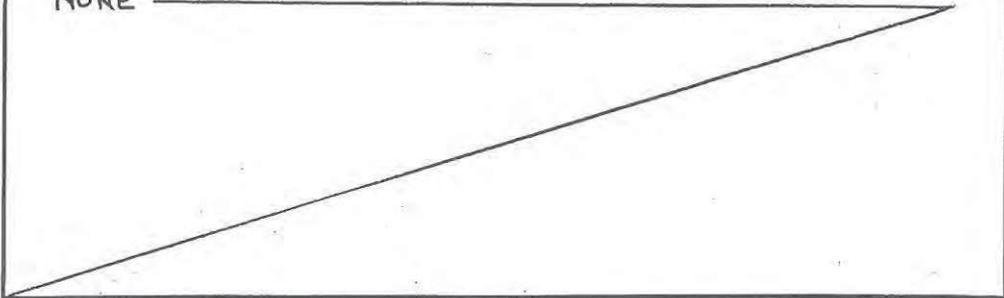
M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)		On the premises <input type="radio"/>
			NO CHANGE _____		Off the premises <input type="radio"/>
					Both <input type="radio"/>
Day	Start	Finish	<p>State any seasonal variations for the supply of alcohol (please read guidance note 4)</p> <hr/> <p>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 (please read guidance note 5)</p>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

N

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 8)

NONE



0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	<p>NONE _____</p>
Mon	10.00	03.30	
Tue	10.00	02.00	
Wed	10.00	02.00	
Thur	10.00	03.30	
Fri	10.00	03.30	
Sat	10.00	03.30	
Sun	10.00	02.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE _____

- I have enclosed the premises licence
 - I have enclosed the relevant part of the premises licence
- Please tick yes
-

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

WITH THE FAILURE OF TWO BUSINESSES, SUBSEQUENT CLEARING OF ALL INTERNAL EQUIPMENT AND PAPERS IT HAS BEEN LOST,

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 9)

✓ WAITING AREA WELL ILLUMINATED WITH OCCASIONAL SEATING

b) The prevention of crime and disorder

✓ TO INCREASE THE SURVEILLANCE BY CLOSED CIRCUIT CAMERAS TO INCLUDE THE NEW WAITING AREA AND THE PAVEMENT IN CLOSE PROXIMITY OF THE PREMISES.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

- Please tick yes**
- I have made or enclosed payment of the fee
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I understand that I must now advertise my application
 - I have enclosed the premises licence or relevant part of it or explanation
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	Bernard Hall
Date	15th April 2015
Capacity	LICENSING CONSULTANT

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

B. M. HALL
5 CACKLEBURY CLOSE
HAILSHAM
SUSSEX

Post town	HAILSHAM	Post code	BN27 3LF
Telephone number (if any)	01323 847012		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

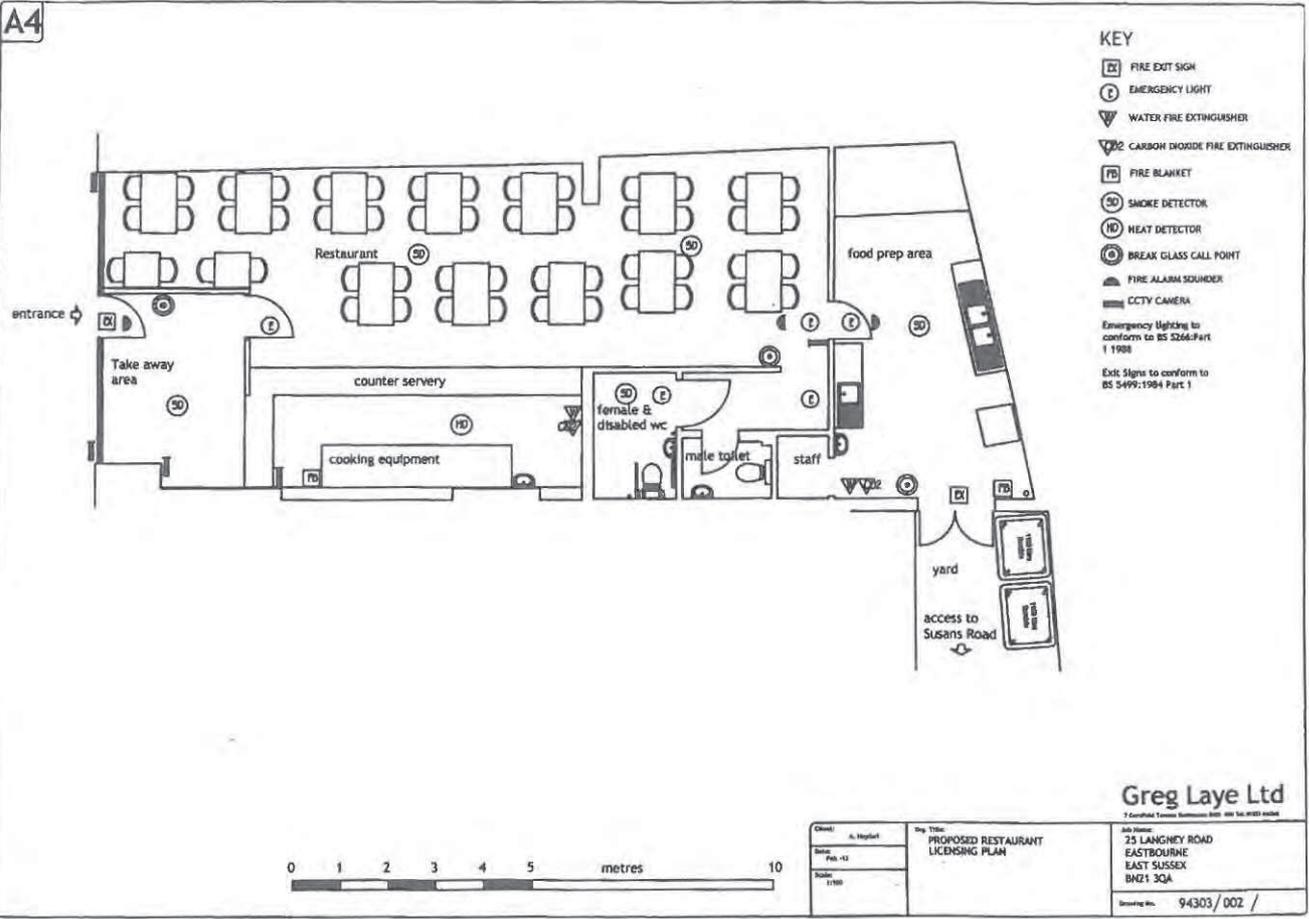
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

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. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Before completing this form you should read our step by step guidance booklet 'The new licensing system: a guide to the changes' available from our offices or to download from our website (see top of page 1), which includes addresses to send copies of this form. Incomplete or incorrect applications will be returned and will delay issuing your licence

"This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes."

A4



- KEY**
- FIRE EXIT SIGN
 - EMERGENCY LIGHT
 - WATER FIRE EXTINGUISHER
 - CARBON DIOXIDE FIRE EXTINGUISHER
 - FIRE BLANKET
 - SMOKE DETECTOR
 - HEAT DETECTOR
 - BREAK GLASS CALL POINT
 - FIRE ALARM SOUNDER
 - CCTV CAMERA
- Emergency lighting to conform to BS 5266-Part 1:1999
 Exit Signs to conform to BS 5499:1984 Part 1



Client: A. Hayball	Proj Title: PROPOSED RESTAURANT LICENSING PLAN	Job Number: 25 LANGNEY ROAD EASTBOURNE EAST SUSSEX BN21 3QA
Date: Feb-12		Drawing No: 94303/002 /
Scale: 1:100		

Greg Laye Ltd
1 Cornhill Tower Business Park, 4th Fl, M20 2BQ

Appendix 3

From: Wallis, Councillor
Sent: 26 April 2015 15:32
To: Virgo, Jay
Subject: Licensing application - 048133

Good afternoon Jay,

Reference: Application 048133, 25 Langney Road.

I write in reference to the above application as I have concerns regarding what the impact will be on those living within the vicinity of 25 Langney Road, if the outdoor proposals are permitted.

There is the risk of increased noise and disturbance.
The incidences of dropped litter may also increase.
The operational hours of a 03.30am closure, four days a week, in my opinion will impact negatively on the surrounding neighbourhood.

I oppose this application, please keep me updated as and when it will be considered by the Licensing Committee.

Best regards

Councillor Steve Wallis

From: ADRIAN LEY [REDACTED]
Sent: 28 April 2015 09:56
To: Virgo, Jay
Subject: Licensing Application 048133, 25 Langney Road

Hi Jay

On behalf of residents in the Town Centre Neighbourhood Panel area I wish to make an objection to Licensing Application 048133, 25 Langney Road.

The panel regularly receives complaints of noise disturbance caused by people coming from late night entertainment venues and much of this is related to them going to late night eating venues rather than exiting the area promptly. No further extension of hours should be permitted as this can only serve to exacerbate the problem. The addition of outdoor late night refreshment is totally unacceptable as this increases the risk of local disturbance at the premises.

This will have a impact on nearby residents and could be particularly harmful to young children.

Best Regards

Adrian Ley

DATE RECEIVED
29 APR 2015

DATE RECEIVED
29 APR 2015

**Petition Against Fresh and Grilled Piri Piri
licence application**

Petition summary and background: Amin Hayjari has submitted a planning application to change the premises of 25 Langley Road into Fresh and Grilled Piri Piri. He wishes to change the premises into a late night takeaway service that will open til 2am Tues, Wed, Sun and 3:30am Mon, Thurs, Fri and Sat. This will directly increase late night alcohol related incidents in the neighboring residential areas including; Fighting and violence due to intoxicated groups not dispersing; Increased noise levels, including screaming and shouting; Criminal damage of local vehicles; Presence of human excrement, especially feces and sick due to no toilet facilities; Litter and rubbish deposited in the street and front of houses. Sign this petition to give your support against the proposed late night operational hours.

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to Reject the licence application for Fresh and Grilled Piri Piri licence application for increased opening times

Printed name	Signature	Address	Comment	Date
Laurie Hughes	[Signature]	[Redacted]		24/4/15
BRANDON	[Signature]	[Redacted]		"
AMEE BULLETT	[Signature]	[Redacted]		"
ROD CORNWALL	[Signature]	[Redacted]		"
V Wilson	[Signature]	[Redacted]		"
Andrew B	[Signature]	[Redacted]		"
J. Bath	[Signature]	[Redacted]		"
J. Collins	[Signature]	[Redacted]		"
J. Butts	[Signature]	[Redacted]		"
Taylor	[Signature]	[Redacted]		"
M. Hughes	[Signature]	[Redacted]		"
J. PAGE	[Signature]	[Redacted]		25/4/15
C. MAFE	[Signature]	[Redacted]		"
T GILLAM	[Signature]	[Redacted]		"
Annes Negyoushi	[Signature]	[Redacted]		"
LAYZEL	[Signature]	[Redacted]		"

**EASTBOURNE BOROUGH
COUNCIL**
30 APR 2015
**ORIGINAL AUTHENTICATED
POST ROOM**

Printed name	Signature	Address	Comment	Date
J Guy	[Signature]	[Redacted]		25/4
J. Stomane	[Signature]	[Redacted]		25/04
hastrow	[Signature]	[Redacted]		25/04
m. Kullborski	[Signature]	[Redacted]		25.104
Gr. NIWA	[Signature]	[Redacted]		25/04
P. Ethinn	P. Ethinn	[Redacted]		25.104
Z h m	[Signature]	[Redacted]		27/04
Nicki John	[Signature]	[Redacted]	st borne	27/04
ROD NASH	[Signature]	[Redacted]		27-4-04
RACHEL VIDLER	[Signature]	[Redacted]		27.4.15
Halter	[Signature]	[Redacted]		27-4-15
MERT	[Signature]	[Redacted]		27-04-15
Mr. AHMED	[Signature]	[Redacted]		27-4-15
L.V. Mulrock	[Signature]	[Redacted]		27 4 15
Joan P. [unclear]	[Signature]	[Redacted]		27.4.15
JENN DUDLEY	[Signature]	[Redacted]		28/4/15
AKEL ESSAM	[Signature]	[Redacted]		28/4/15
HELEN WATHE	[Signature]	[Redacted]		28/4/15
Ian Hughes	[Signature]	[Redacted]		28/4/15



Sussex Police
Serving Sussex

www.sussex.police.uk

Alcohol Harm Reduction Unit

22nd April 2015

Mr. Jay Virgo
Senior Specialist Adviser
Eastbourne Borough Council
1 Grove Road,
Eastbourne,
East Sussex
BN21 4TW

**RE: APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE FOR FRESH AND GRILLED PIRI PIRI,
25 LANGNEY ROAD, EASTBOURNE BN21 3QA.**

Dear Mr. Virgo,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the variation of the above application on the grounds of the Prevention of Crime and Disorder and the Public Nuisance Licensing Objectives.

The application is to vary the premises licence to add a take-away service to the existing restaurant which will be operated from a small dedicated area in the front right hand side of the restaurant. There will be no supply of alcohol for take-away service.

The restaurant currently operates as follows:-

Opening hours:

Sunday to Thursday 10:00 hrs – midnight,
Friday and Saturday 10:00 – 00:30 hrs.

Late Night Refreshment:

Sunday – Thursday 23:00 hrs – Midnight,
Friday and Saturday 23:00 hrs – 00:30 hrs.

Supply of Alcohol:

Sunday – Thursday 10:00 hrs – 23:30 hrs

The proposed operating hours for the additional take-away service only are as follows:-

Opening hours:

Tuesday, Wednesday and Sunday 10:00 hrs – 02:00 hrs
Monday, Thursday, Friday and Saturday 10:00 hrs – 03:30 hrs
The non standard timings for a Sunday preceding a Bank Holiday Monday will be 03:30 hrs.

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

Late Night Refreshment:

Tuesday, Wednesday and Sunday 23:00 hrs – 02:00 hrs

Monday, Thursday, Friday and Saturday 23:00 hrs – 03:30 hrs

The non standard timings for a Sunday preceding a Bank Holiday Monday will be 03:30 hrs.

In addition, the applicant wishes to operate a delivery service of food only, the hours to correspond with the take-away service.

The premises are situated within the area covered by the Special Saturation (cumulative impact) Policy (SSP) and therefore the applicant is required to demonstrate in their Operating Schedule that there will be no negative cumulative impact on one or more of the Licensing Objectives.

The concentration of licensed premises within a small area of the town of Eastbourne causes problems of crime and disorder and public nuisance. In consequence of this, following extensive consultation in 2007, the Licensing Authority in July of that year concluded it was both appropriate and necessary to introduce the Special Saturation (Cumulative Impact) Policy. The policy was reviewed in 2010, adopted in February 2011 and further reviewed and adopted in November 2013.

As stated, the premises to which the application relates is situated within the area of the Special Saturation (Cumulative Impact) Policy and therefore there is a presumption that any new premises licence or variation will be refused.

Paragraph 13.30 of the Secretary of State's Guidance to the Licensing Act 2003, amended in March 2015 provides,

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application".

This principle is reflected in the Eastbourne Borough Council Special Saturation (Cumulative Impact) Policy contained within the Eastbourne Borough Council Licensing Policy. Paragraph 5.1 states, *"The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations to such will normally be refused if relevant representations are received."*

Paragraph 5.2 states, *"Applicants must address the Cumulative Impact Policy and produce evidence to demonstrate how the application will:*

- (a) Not add to cumulative impact, and challenges already being experienced in the area or*
- (b) Undermine the promotion of the licensing objectives.*

Paragraph 5.3 states, *"The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Policy area..."*

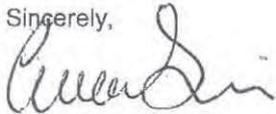
Paragraph 8.33 of the Secretary of State's Guidance to the Licensing Act 2003 provides, *"In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives"*.

Paragraph 8.35 of the guidance states *'Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy'*.

Sussex Police have noted that there is no mention of the Cumulative Impact Policy in the application and further, nothing is proposed to mitigate the overall impact of this application which will cause people to remain in the town longer and will therefore be a barrier to dispersal. No evidence has been provided as to why this application should be considered an exception to the Policy.

Sussex Police contend the applicant does not rebut the presumption of refusal and has not addressed the requirements of S5.2 and S5.3 of the Council's Policy, and accordingly invite the Committee to refuse this application.

Sincerely,



Chief Inspector Emma Brice - Eastbourne District Commander

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Bernard M. Hall

LICENSING CONSULTANT

5 Cacklebury Close
Hailsham
East Sussex
BN27 3LF

Tel. 01323 847012

Customer First
The Licensing Team
Eastbourne Borough Council
Grove Road
EASTBOURNE
Sussex BN21 4TW

15th May 2015

Dear Sirs

“Fresh and Grilled Piri Piri”, 45 Langney Road, Eastbourne – Licensing Act 2003.

Further to the application for the variation of the current premises licence, delivered by personal service on 16th April 2015 and by first class recorded delivery post on the same day, please find enclosed declaration of service to the statutory authorities. The relevant delivery slips are available for inspection should you require them.

The notice of application is contained within the Eastbourne Herald of Friday 24th April 2015 and is enclosed herewith. The site notice has been properly displayed and continuously from 17th April 2015 to date and was removed on 15th instant (*the 29th day from the submission date*), that being 28 whole days. I trust you will have had an opportunity to examine.

We have been advised of representations being made during the 28 day consultation period. The applicant, responding to those points raised, asked me to make amendments to reduce the terminal hour each day. Regrettably in an approach to negotiate this was resoundly rejected. However whilst waiting for confirmation, I believe that Mr HAYDARI will nevertheless, seek amendment to reduce the hours equal to and below the current hours. Therefore the applicant will await details of the said representations and confirmation of the committee hearing, on 11th June 2015, together with the accompanying papers.

Yours faithfully

Bernard Hall

Bernard Hall
Licensing Consultant

Enc. *Declaration of Service*
Press notice of 24th April 2015

CERTIFICATE OF SERVICE

I, **Bernard HALL**, acting as authorised agent, of **5, Cacklebury Close, Hailsham, Sussex**, hereby certify that on the *16th* day of *April* 2015, I served each of the persons named in the schedule below with the notice/application in respect of, "*Fresh and Gullied Pirr Pirr*" *Langney Road, Eastbourne*, by sending/delivering the said notice by first class post recorded delivery/by personal service, to them and addressed to such persons at the addresses set out in the said schedule, being their respective last known place of abode or business.

Dated this *16th* day of *April* 2015.

Signed *Bernard Hall* Bernard M HALL

SCHEDULE

The Licensing Team,	Eastbourne Borough Council 1 Grove Road, Eastbourne, Sussex, BN21 4TW
* The Licensing Unit	Sussex Police Station Terminus Road Bexhill-on-Sea, Sussex, TN39 3NR
The Chief Fire Safety Officer	East Sussex Fire and Rescue Service The Fire Station, Whitley Road, Eastbourne, Sussex, BN23 8LA
The Health and Safety Officer	Eastbourne Borough Council, 1 Grove Road, Eastbourne, Sussex, BN21 4TW
The Pollution Services Manager	Eastbourne Borough Council 1 Grove Road, Eastbourne, Sussex
The Development Control Manager	Eastbourne Borough Council 1 Grove Road, Eastbourne, Sussex
* Head of Children's Safeguards	East Sussex County Council, PO Box 5, County Hall, Lewes, Sussex, BN7 1SW
Head of Trading Standards	East Sussex County Council St Mary's House, 52, St Leonards Road, Eastbourne, Sussex, BN21 3UL
* Primary Care Trust	East Sussex County Council E1C County Hall St Anne's Crescent Lewes, Sussex BN7 1UE

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NANCIE ELIZABETH TIPPER (Deceased)
Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of Beridgo Nursing Home Arundel Road Eastbourne East Sussex, who died on 23/12/2014, are required to send particulars thereof in writing to the above named Solicitors on or before two months from the date of this publication, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice. T439242

ALBERT JAMES YATES (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 56 Lindfield Road Eastbourne East Sussex BN22 0AH, who died on 02/04/2015, are required to send particulars thereof in writing to the undersigned Solicitors on or before 03/07/2015, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice. T439377

JOHN ULRIC WATSON (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 32 Fariaine Road Eastbourne East Sussex BN21 1XQ, who died on 25/03/2015 are required to send particulars thereof in writing to the undersigned Solicitors on or before 25/06/2015 after which date the Estate will be distributed having regard only to claims and interests of which they have had notice. T439397

PETER JOHN MICHAEL MOORE MULCAHY (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 22 Broad Road Lower Willington Eastbourne East Sussex BN20 9QU, who died on 22/02/2015, are required to send particulars thereof in writing to the undersigned Solicitors on or before two months from the date of this publication, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice. T437310

MARGARET ETHEL MEALING (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 10 Arnworth Court Furness Road Eastbourne East Sussex BN21 4EX, who died on 24/03/2015, are required to send particulars thereof in writing to the undersigned Solicitors on or before 03/07/2015, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice. T439401

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Licensing Act 2003 Regulation 25 Advertisment Application for Variation of Premises Licence

Notice is hereby given that on 16th April 2015 an application was made to Eastbourne Borough Council by AMIN HAYDARI, 7 MULBERRY CLOSE, EASTBOURNE, SUSSEX, BN22 0TU for a variation of a Premises Licence under Licensing Act 2003 for the premises known as "FRESH AND GRILLED PIRI" 25 LANGNEY ROAD, EASTBOURNE, SUSSEX, BN21 3QA. The variation details are:
1) To add take-away refreshment for pedestrians and for delivery by dedicated transport.
2) For take-away refreshment only, increase of terminal times: Tuesday, Wednesday and Sunday to 02.00hrs, Monday, Thursday, Friday and Saturday to 03.30hrs.
3) Internal structural alterations to create a separate area for take-away service.
Any person wishing to make representations about this application must submit it to Eastbourne Borough Council within 28 days from the day after the application date above, either by using the online form on the Council's website below or by writing to the Licensing Manager, Eastbourne Borough Council, 1 Grove Road, Eastbourne, BN21 4TW. Copies of the register and applications can be viewed at the above office by prior appointment. Summaries and associated information can be found at www.eastbourne.gov.uk/licensing. It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine is £5,000 for which a person is liable on summary conviction for the offence. Dated this 15th day of April 2015

NORMAN THOMAS LANGDON STOREY (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 10 Arnworth Court Furness Road Eastbourne East Sussex BN21 4EX, who died on 24/03/2015, are required to send particulars thereof in writing to the undersigned Solicitors on or before 03/07/2015, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice. T439401

LESLIE RICHARD BEAGEN (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the aforementioned deceased, late of 10 Arnworth Court Furness Road Eastbourne East Sussex BN21 4EX, who died on 24/03/2015, are required to send particulars thereof in writing to the undersigned Solicitors on or before 03/07/2015, after which date the Estate will be distributed having regard only to claims and interests of which they have had notice. T439401

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