

Wednesday, 11 October 2017
at 6.30 pm
Town Hall, Eastbourne



Licensing Act Sub-Committee

MEMBERS: Councillor Tester (Chairman); Councillors Belsey and Holt

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 to a Premises Licence - Pizza Hot 4 You, 2 Susans Road.**
(Pages 1 - 32)

Report of 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.

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.

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



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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 October 2017
Subject: Application For a Variation to Premises Licence For:
"Pizza Hot 4 U", 2 Susans Road, Eastbourne, BN21 3HA
Report Of: Murrae Hume, Specialist Advisor
Ward(s) Devonshire Ward
Purpose To determine an application for a variation to a premises licence under the Licensing Act 2003.
Contact: Murrae Hume 01323 415224. Murrae.hume@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 licence at 2 Susans Road, Eastbourne BN21 3HA.
- 1.2 The original premises licence was granted on 27/11/2006.
- 1.3 **Existing Hours,**
- Late Night refreshment Sunday to Thursday 23:00 to 23:30
- Friday & Saturday 23:00 to 01:00
- Opening Hours, Sunday to Thursday 11:30 to 23:30
- Friday & Saturday 11:30 to 01:00
- 1.4 The Licence was transferred to Mr Khaled Kheil on 7th June 2017
- 1.5 The applicant is applying for a variation in the hours for late night refreshment, and opening hours.

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 SG Licensing on behalf of Khaled Kheil for the following activities:

Late night refreshment & Premises opening hours.

2300 – 0330 Seven days a week

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 1**.

3.2 A copy of the current premises licence is included at **Appendix 2**.

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. The application details are also advertised on the council's website. A number of "Responsible Authorities" have also been consulted as part of the process. There was a consultation period of 28 days for representations to be made.

4.2 In this instance, as a result of the consultation process, two representations have been received. The representations centres on the prevention of public nuisance (noise) and the prevention of crime and disorder Licensing Objectives

The representations are detailed at **Appendix 3** of this report.

4.3 Sussex Police as a responsible authority have consulted with the applicant and agreed a number of conditions, these include the provision of CCTV, a refusal and Incident book, and a slight reduction in late night refreshment hours from 0330 to 0315hours.

A copy of the e-mail correspondence is shown at **Appendix 4**.

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 Department of Culture, Media and Sport, 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 to 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 It is stressed that the presumption to refuse an application does not relieve the Responsible Authority or “Interested Party” of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider the effect of the Cumulative Impact Policy.

7.7 The Cumulative Impact Policy can be found within the Council’s Statement of Licensing Policy 2014 – 2019.

8.0 Representations

8.1 A copy of the representations are included at **Appendix 3**, however a summary appears below.

Interested Parties

Two representations have been received. Both from persons who own and rent out premises adjacent to the premises.

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

They state it is a residential street that is already noisy and the application will encourage an escalation in noise, fights and drunks. There are too many take out properties in the area that brings in the unsocial and disruptive element.

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Representations from Responsible Authorities

There have been no representations from responsible authorities:

- **Sussex Police** – No Representation, amendments agreed.
- **Eastbourne Borough Council (Specialist Advisor) Environmental Health** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Health and Safety** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Planning** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Licensing** - 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 appropriate and proportionate on a case by case basis.
- 8.5 The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.

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 "any person";
 - The application and supporting material.
- 9.2 The Licensing Sub Committee must take the steps it considers appropriate for the promotion of the Licensing Objectives and may;
- Grant the application in full as requested
 - Grant the application but amend it as appropriate and proportionate
 - Reject the whole or part of the application.
- 9.3 The Sub Committee are asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 (Hearing) Regulations 2005 included at Appendix 5.

10.0 Legal Considerations

- 10.1 Under section 34 Licensing Act 2003 the holder of a premises licence may apply for a variation. If relevant representations are received under section 35 Licensing Act 2003 there must be a Sub Committee hearing to consider the application and the representations.
- 10.2 Under section 181 and Schedule 5 Licensing Act 2003 the applicant may appeal against the decision to refuse the application. Those who have made relevant representations may also appeal any decision made. Any appeal must be made within 21 days of receipt of the written decision notice.
- 10.3 The Legal Section has considered the contents of this Report IKEN-6718-MW. 21.9.2017

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

- Section 182 Statutory Guidance to the Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2014-2019
- Human Rights Act 1998

APPENDICES

- 1: Application for a variation to a premises licence under the Licensing Act 2003.
- 2: Copy of the current premises licence.
- 3: The Representations.
- 4: Correspondence between applicant and Sussex Police.
- 5: The Licensing Act 2003 (Hearing) Regulations 2005

Appendix 1



Eastbourne
Application to vary a premises licence
Licensing Act 2003

For help contact
customerfirst@eastbourne.gov.uk
Telephone: 01323 410000

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	<input type="text" value="2"/>
* Street	<input type="text" value="Susans Road"/>
District	<input type="text"/>
* City or town	<input type="text" value="Eastbourne"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="BN21 3HA"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Stewart"/>
* Family name	<input type="text" value="Gibson"/>
* E-mail	<input type="text" value="s.gibson@sglicensing.co.uk"/>
Main telephone number	<input type="text" value="01476 589250"/>
Other telephone number	<input type="text" value="07976844694"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="4"/>
* Street	<input type="text" value="Brecon Close"/>
District	<input type="text"/>
* City or town	<input type="text" value="Grantham"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="NG31 8FX"/>
* Country	<input type="text" value="United Kingdom"/>

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APPLICATION DETAILS

Continued from previous page...

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Continued from previous page...

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.

The variation is applied for to allow the premises to extend their trading hours until 03:30 Monday to Sunday inclusive.

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF RECORDED MUSIC

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start 11.30

End 03.30

Start

End

SATURDAY

Start 11.30

End 03.30

Start

End

SUNDAY

Start 11.30

End 03.30

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

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.

The premises trades as a take away food business, and is looking to extend the hours of trade due to demand.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

n/a

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

Continued from previous page...

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

n/a

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Provide 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.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

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

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

The premises licence will be returned direct by the business.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Current conditions to remain

b) The prevention of crime and disorder

CCTV will be installed on the premises. An extensive CCTV system will be in operation to provide security and identify any culprit who is intent in causing trouble in store. There will be a monitor on the shop floor. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All current security measures will remain in place. Staff will be fully trained in the operation of the CCTV system. Images will be made available to the police or authorised licensing officer from the council on request.

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c) Public safety

current conditions to remain

d) The prevention of public nuisance

current conditions to remain, signage to advise customers to leave quietly will be used.

e) The protection of children from harm

current conditions to remain

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of **specific regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

* If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* Licensing Act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/eastbourne/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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Part A
Premises Licence 005028

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Pizza Hot 4 U
2 Susans Road, Eastbourne, East Sussex, BN21 3HA

WHERE THE LICENCE IS TIME LIMITED THE DATES

Start Date: 27 November 2006

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Late Night Refreshment

THE OPENING HOURS OF THE PREMISES:

Primary	Mon 11:30-23:30 Tue 11:30-23:30 Wed 11:30-23:30 Thu 11:30-23:30 Fri 11:30-01:00 Sat 11:30-01:00 Sun 11:30-23:30
---------	---

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Late Night Refreshment	Mon 23:00-23:30 Tue 23:00-23:30 Wed 23:00-23:30 Thu 23:00-23:30 Fri 23:00-01:00 Sat 23:00-01:00 Sun 23:00-23:30
Primary	Mon 23:00-23:30 Tue 23:00-23:30 Wed 23:00-23:30 Thu 23:00-23:30 Fri 23:00-01:00 Sat 23:00-01:00 Sun 23:00-23:30

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mr Khaled Kheil
21 Latimer Road
Eastbourne
East Sussex
BN22 7BU

Tel: 07475154225

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

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: Not applicable

Issued By: Not applicable

ANNEXES

Annex 1 – Not Applicable

Annex 2 – Conditions consistent with the operating schedule

All Licensing Objectives

Prevention of Crime and Disorder

The police will be called in the event of Crime and Disorder.

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

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

All Licensing Objectives

N/A

Annex 4 – Plans

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



Part B
Premises Licence Summary 005028

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Pizza Hot 4 U
2 Susans Road, Eastbourne, East Sussex, BN21 3HA

WHERE THE LICENCE IS TIME LIMITED THE DATES

Start Date: 27 November 2006

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Late Night Refreshment

THE OPENING HOURS OF THE PREMISES:

Primary	Mon 11:30-23:30
	Tue 11:30-23:30
	Wed 11:30-23:30
	Thu 11:30-23:30
	Fri 11:30-01:00
	Sat 11:30-01:00
	Sun 11:30-23:30

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Late Night Refreshment	Mon 23:00-23:30
Primary	Tue 23:00-23:30
	Wed 23:00-23:30
	Thu 23:00-23:30
	Fri 23:00-01:00
	Sat 23:00-01:00
	Sun 23:00-23:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mr Khaled Kheil
21 Latimer Road
Eastbourne
East Sussex
BN22 7BU
Tel: 07475154225

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None

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Appendix 3

INCOMING EMAIL

From: kate barella
To: CustomerFirst
CC: Amanda 2b
Date: 29/08/2017 12:07:29
Subject: Extended license application - Pizza take away 2 Susans Rd

Attachments:

(1) IMG_3791.JPG(2 KB)
(2) IMG_2172.JPG(2 KB)

Dear sirs,

I am writing to object strongly to the extended late license application for
Pizza Hot 4 U
2 Susans Rd
Eastbourne
BN21 3HA

I live at

[REDACTED]
[REDACTED]
[REDACTED]

I own and rent out

[REDACTED]
[REDACTED]
[REDACTED]

I object to this application for a number of reasons.

We have major problems with overflowing rubbish in the streets already. We have had bins sitting outside on the street with rubbish everywhere for over a week. This is another separate complaint which I will be escalating if nothing is done. This problem has been going on for years and we have been ignored. The seagulls rip open black bags on the street because the bins are full so people now just throw their rubbish into the street. We already have a major problem with cockroaches and rats due to the large amount of fast food establishments - too many! This is also a residential street.

The noise would also be a problem. Already it is an extremely noisy street and building. The noise insulation within the building is non-existent and my bedroom window is right next to the commercial property's extraction fan so this is already too much noise up until midnight. Giving out licenses without thought or care for residents - which seems to be the way of Eastbourne Council - is bad planning and encouraging an escalation in noise, fights, drunks and right across from my flat is a well-known drug pushing corner. The police drive past most nights and these local dealers are ignored. We should not have to live like this.

We also need to stop the dog problem.

There are too many commercial take out properties in that area and along Seaside road. This brings the unsocial and disruptive element to the area.

When will the council sit up and listen and make a change about the antisocial aspect of the area rather than encourage the bad behaviour, noise, drugs and rubbish? Enough is enough.

I strongly object to this application and will fight it all the way. These 'take out' owners have no right to encourage anti social behaviour and to impinge seriously upon lives of the residents.

If this license goes ahead I will escalate the complaint through social media and the press. I complained about this a couple of years ago and was ignored again by the council. I was told that Eastbourne will not give out too many licenses in one area. This has happened in Susans Rd and Seaside road. There is also an issue of being to walk on the pavement without obstructions. Every commercial property has now a free standing sign outside , on the pavement, which is dangerous and will not be long before there is an accident. Also the properties have put out tables and chairs in the street as if we're in the Mediterranean! Again, this creates more noise and antisocial behaviour along with adding more obstructions on the small pavements. This should not be permitted.

I look forward to your response.

Kind Regards
Kate Barella



Q YOU



COFFEE & Lounge sha

WALL'S
Love 2m Cakes

BALE HOUSE OPEN

SUNDAY BUFFET
12:00pm - 2:00pm

KEYIF
COFFEE & SHISHA LOUNGE
SHISHA WITH ANY DRINK £9

COLLECTION OFFER

7" PIZZA £2.99

10" PIZZA £5.99



INCOMING EMAIL

From: Amanda
To: CustomerFirst
Date: 01/09/2017 17:52:01
Subject: FW: Extended license application - Pizza take away 2 Susans Rd

Dear sirs,

I am writing to object strongly to the extended late license application for

Pizza Hot 4 U

2 Susans Rd

Eastbourne

BN21 3HA

I live at

[REDACTED]

I own and rent out

[REDACTED]

[REDACTED]

[REDACTED]

I object to this application for a number of reasons.

We have major problems with overflowing rubbish in the streets already. We have had bins sitting outside on the street with rubbish everywhere for over a week. This problem has been going on for years and we have been ignored. The seagulls rip open black bags on the street because the bins are full so people now just throw their rubbish into the street. We already have a major problem with cockroaches and rats due to the large amount of fast food establishments - too many! This is also a residential street.

The noise would also be a problem. Already it is an extremely noisy street and building. The noise insulation within the building is non existent. There are too many commercial take out properties in that area and along Seaside road. This brings the unsocial and disruptive element to the area, encouraging an escalation in noise, fights, drunken behaviour, etc..

I look forward to your response.

Kind Regards

Amanda Dalessi

Appendix 4

Murrae Hume

From: Catherine.Wolfe@sussex.pnn.police.uk
Sent: 06 September 2017 09:08
To: Murrae Hume; Danielle Ball
Cc: Denham.vokins@sussex.pnn.police.uk; Wilkes, Richard
Subject: Premises Licence Variation at Pizza Hot for You, 2 Susans Road, Eastbourne BN21 3HA

Good morning,

In light of Mr. Gibson's response (see below) Sussex Police have no objections to the application to vary the premises licence at the above address provided that the agreed conditions and amended hours (also see below) are attached to the premises licence when/if granted.

Kind regards,

Cathie Wolfe ABII

Eastbourne, Lewes, Wealden, Hastings & Rother District Licensing Officer

Alcohol Harm Reduction Unit, Bexhill Police Station
Terminus Road, Bexhill, East Sussex TN39 3NR
Telephone 101 Ext. 564241

www.sussex.police.uk

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From: Stewart Gibson [mailto:s.gibson@sglicensing.co.uk]
Sent: 31 August 2017 13:20
To: Wolfe Catherine 60498 <Catherine.Wolfe@sussex.pnn.police.uk>
Cc: murrae.hume@eastbourne.gov.uk; danielle.ball@eastbourne.gov.uk; Vokins Denham CV146 <Denham.vokins@sussex.pnn.police.uk>; Wilkes Richard CW456 <Richard.Wilkes@sussex.pnn.police.uk>
Subject: Re: Premises Licence Variation at Pizza Hot for You, 2 Susans Road, Eastbourne BN21 3HA

Good afternoon Cathie.

Firstly, sorry for the delay in replying to you. I had a couple of days off at the end of the bank holiday to extend the weekend, and I am only just back.

My client is happy to accept the conditions you propose to be added to the variation of the licence should it be granted.

We also accept the amendment to the trading hours as suggested. Activities to cease at 3:15am with premises closed at 3.30am.

Kind regards

Stewart Gibson

From: "Catherine.Wolfe@sussex.pnn.police.uk" <Catherine.Wolfe@sussex.pnn.police.uk>

Date: Friday, 25 August 2017 at 13:43

To: Stewart <s.gibson@sglicensing.co.uk>

Cc: "murrae.hume@eastbourne.gov.uk" <murrae.hume@eastbourne.gov.uk>, "danielle.ball@eastbourne.gov.uk" <danielle.ball@eastbourne.gov.uk>, "Denham.vokins@sussex.pnn.police.uk" <Denham.vokins@sussex.pnn.police.uk>, "Richard.Wilkes@sussex.pnn.police.uk" <Richard.Wilkes@sussex.pnn.police.uk>

Subject: Premises Licence Variation at Pizza Hot for You, 2 Susans Road, Eastbourne BN21 3HA

Good afternoon,

Firstly, I understand from Eastbourne Borough Council that the licence at the above premises was transferred to Mr. Khalid Kheil in June this year so he is now the premises licence holder.

Secondly, I am in receipt of your application on behalf of Mr. Kheil to vary the premises licence at the above address to extend the trading hours for late night refreshment and hours the premises are open to the public from 03:00hrs daily to 03:30 daily.

You have made no mention of being aware that your premises is in Eastbourne Borough Council's Cumulative Impact Policy Area. The Home Office Guidance issued under section 182 of the Licensing Act 2003 states at section 14.30 that, 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 representations.... You may wish to look at the council's Statement of Licensing Policy which you will find on the Eastbourne Borough Council website.

Under the steps to promote the four licensing objectives you have indicated that the current conditions are to remain on the licence. In fact, there is only one condition on the current licence under the Prevention of Crime & Disorder that states, *The police will be called in the event of crime and disorder*. I am sure you will agree that this is not appropriate as a condition and therefore I suggest it be removed and replaced with others that are more pertinent. I have attached the current licence for your perusal.

There is an amendment to the hours that I wish your client to consider. The terminal hour of 03:30hrs is for both late night refreshment and closing to the public which in effect means that customers could enter the premises at 03:25hrs and order food which would not be ready by the time the premises must close. Therefore a terminal hour for late night refreshment should be 03:15hrs with closure to the public at 03:30hrs.

There are a number of conditions, one of which you have offered, I require to be attached to the premises licence when/if the variation is granted.

CCTV: 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 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the

entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 28 days
- 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.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

An incident book will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request. This book shall solely be used for the purpose of recording incidents.

A refusals register will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.

I would be grateful if you would respond to this email using the Reply All button no later than Tuesday 29th August 2017. You will need to state your agreement, or otherwise, to the conditions and the amended operating hours in your email.

Kind regards,

Cathie Wolfe ABII

Eastbourne, Lewes, Wealden, Hastings & Rother District Licensing Officer

Alcohol Harm Reduction Unit, Bexhill Police Station
Terminus Road, Bexhill, East Sussex TN39 3NR
Telephone 101 Ext. 564241

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