

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

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 till 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 O'CONNOR	[Signature]	[Redacted]		"
W Wilson	[Signature]	[Redacted]		"
Andrew B	[Signature]	[Redacted]		"
J. Bath	[Signature]	[Redacted]		"
J. Collins	[Signature]	[Redacted]		"
J. Butts	[Signature]	[Redacted]		"
J. Taylor	[Signature]	[Redacted]		"
M. Hughes	[Signature]	[Redacted]		"
J. PAGE	[Signature]	[Redacted]		25/4/15
C. MAFF	[Signature]	[Redacted]		"
T GILLAM	[Signature]	[Redacted]		"
Annes Negyus	[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 NICKS	[Signature]	[Redacted]		27-4-04
RACHEL VIDLER	[Signature]	[Redacted]		27.4.15
Halter	[Signature]	[Redacted]		27-04-15
MERT	[Signature]	[Redacted]		27-04-15
Mr. AHMED	[Signature]	[Redacted]		27-04-15
L.V. MULLROCK	[Signature]	[Redacted]		27 4 15
Joan [unclear]	[Signature]	[Redacted]		27.4.15
JENN DUDLEY	[Signature]	[Redacted]		28/4/15
AKEL ESSAM	[Signature]	[Redacted]		28/4/15
HELEN WATKES	[Signature]	[Redacted]		28/4/15
Ian Hughes	[Signature]	[Redacted]		28/4/15



Sussex Police
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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..."*

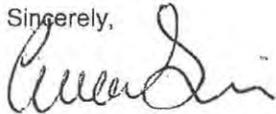
Paragraph 8.33 of the Secretary of State's Guidance to the Licensing Act 2003 provides, *"In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible 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