

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Thursday 11 June 2015

- Premises Licence Holder: Mr Amin Haydari
- Premises: Fresh and Grilled Piri Piri Restaurant, 25 Langney Road
- Reasons for Hearing: Relevant representations received from interested parties and responsible authorities under the prevention of crime and disorder and the prevention of public nuisance (noise) licensing objectives. The premises is within the area covered by the Council's Cumulative Impact Policy.
- Parties in attendance: Applicant:
Mr Amin Haydari and Mr Bernard Hill (Licensing Consultant)
- Licensing Authority:
Mr Jay Virgo (Senior Specialist Advisor)
- Legal Advisor:
Mr Andy Couper (Lawyer)
- Sussex Police:
Mrs Jean Irving, Mr Peter Savill (Barrister), PC Richard Wilkes and Mrs Cathie Wolfe
- Ward Councillor:
Councillor Steve Wallis
- Interested Parties:
Mr Adrian Ley and Mrs Helen Hughes
- Decision made: That the application be refused on the following grounds:
- Reasons for Decision: The Sub-Committee has refused the application because the applicant has failed to outline mitigating proposals that would rebut the presumption against the granting of the application, arising as a result of the Council's Cumulative Impact Policy.
- 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.

The Sub-Committee stated that their decision had no reflection on Mr Haydari as an individual or his ability to run a business.

In reaching their decision, the Sub-Committee gave due regard to the applicant's submissions, as well as to the representations from Sussex Police, Councillor Wallis, Mr Ley, Mrs Hughes and the petition signed by 42 local residents.

The Sub-Committee also gave due weight to the regulations and guidance made under the Licensing Act 2003, the licensing objectives, the Council's Statement of Licensing Policy, Section 182 Guidance issued by the Department of Culture, Media and Sport and the Council's Cumulative Impact Policy.

The Sub-Committee did approve the new plan of the premises that had been submitted with the application.

Date of Decision: 11 June 2015

Date decision notice issued: 17 June 2015

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant in the case of refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed on the licence.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.