



Licensing Act Sub-Committee - Record of Hearing held on Tuesday 13 December 2005 at 6.00pm

MEMBERS: Councillor BOWKER (Chairman); Councillors HERBERT and Mrs POOLEY.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence for Pizza Delight and Egyptian Kebabs, 70 Cavendish Place.

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

The Licensing Manager outlined the report detailing the application from Mr A Hassan for a new premises licence in respect of Pizza Delight and Egyptian Kebabs.

This application had been adjourned at the meeting on 29 November 2005 to enable Mr Hassan to arrange representation.

The Applicant's solicitor Mr J Stebbing and the applicant, Mr A Hassan made representations in support of the application. He said that the premises were not applying for a liquor license and its sole purpose would be late night food consumption. The outstanding planning application would mirror the license application. He also advised the Sub-Committee that the premises would not be poorly managed so as to cause a disturbance to the surrounding neighbourhood, there would be no music and doors would automatically open and close. It was also the intention to provide registered door staff, with a total of three staff at all times. Mr Hassan also had other premises elsewhere within the town and had not experienced any problems in relation to drunk and disorderly behaviour. Mr Hassan wished to amend the opening times to Monday to Wednesday 23.00 – 01.00, Thursday to Saturday 23.00 – 03.00 and Sunday 23.00 – 02.00.

Written representations had been received from two interested parties as detailed in the Licensing Manager's report. A further letter was reported from Miss A Brookes, as she was unable to attend the hearing. The representations focussed on concerns that opening until 3am would cause noise and disturbance for the occupants of the neighbouring flats through increased traffic and use of the shop. Concerns were also raised regarding an increase in anti social behaviour in the area.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted, including those from the interested parties not present at the meeting, and further evidence presented at the meeting, the four licensing objectives and the Council's Statement of

Licensing Policy. Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

RESOLVED: That the new premises licence application in respect of Pizza Delight and Egyptian Kebabs, 70 Cavendish Place, be granted as set out in the attached appendix.

The meeting closed at 7.15 p.m.

**P J Bowker
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Tuesday 13 December 2005

- Applicant: Mr A Hassan
- Premises: Pizza Delight and Egyptian Kebabs
70 Cavendish Place
Eastbourne
BN21 3RL
- Reasons for Hearing: Relevant representations received from interested parties in connection with the licensing objectives concerning the prevention of crime and disorder and public nuisance.
- Parties in attendance: For the applicant – Mr A Hassan and Mr J Stebbing (Solicitor)
- Decision made: To grant the Premises Licence as follows:

Late Night Refreshment:

Monday to Wednesday	23.00 – 01.00
Thursday to Saturday	23.00 – 03.00
Sunday	23.00 – 02.00

Open to the Public:

Monday to Wednesday	11.00 – 15.00 17.00 – 01.00
Thursday to Saturday	11.00 – 15.00 17.00 – 03.00
Sunday	17.00 – 02.00

Subject to the following conditions (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):

- i) Between the hours of 23.00 and the closing time of the premises, one Security Industry Authority registered Door Supervisor shall be provided.
- ii) The CCTV system shall be fully operational whilst the premises is open to the public, be regularly serviced and maintained to the specification required by Sussex Police. It shall be stored and operated in a secure environment with limited access to avoid damage, theft, unauthorised viewing and maintaining the integrity of the system. A record shall be kept of any access made to information held on the system. Tapes shall be changed daily and kept for 31 days before being re-used. Tapes should be replaced after 12 uses (i.e

annually).

- iii) No alcohol to be consumed on the premises.
- iv) Notices will be displayed at exit points advising customers to leave quietly.

Reasons for Decision: The Sub-Committee has granted the application (as amended) for a Premises Licence subject to the conditions and hours specified having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003 and the licensing objectives.

In order to meet the objectives of preventing public nuisance and crime and disorder conditions are imposed to minimise the affect on local residents in the vicinity in relation to use of the premises.

Date of Decision: 13 December 2005

Date decision notice issued: 3 January 2006

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.