



Licensing Act Sub-Committee - Record of Hearing held on Tuesday 13 February 2008 at 6.00pm

MEMBERS: Councillor THOMPSON (Chairman); Councillors HARRIS and GOODYEAR.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence – Super Pizza, 61 Seaside Road.

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 for a new premises licence in respect of Super Pizza, 61 Seaside Road. Reference was made to the Council's Cumulative Impact Policy which was adopted on 25 July 2007. The premises were located within the area identified as being subject to the policy.

Inspector N Wainwright, Sussex Police had made written representations as a responsible authority under the prevention of crime and disorder licensing objective.

Inspector Wainwright advised the Sub-Committee that the premises was located within the Cumulative Impact Zone and that Seaside Road, a relatively small street, contained a number of late night refreshment venues. This was one of the principle locations which saw an influx of customers when the larger licensed premises closed. Operational experience indicated that late night refreshment venues attract incidents of crime and disorder at times when larger numbers of people gather within the premises. An analysis carried out on crime and disorder in Eastbourne indicated that a disproportionate amount of the town's crime occurred in the area designated by the Cumulative Impact Zone. In the 12 months from October 2006 to September 2007, 752 public place violent crime offences (PPVC) took place in the zone, representing nearly half of recorded PPVC in Eastbourne.

Seaside Road had seen 48 reports of PPVC during the last 12 months, making it the fifth busiest street for such incidents in the town. An analysis of the time and day pattern of PPVC indicated that such offences in the designated zone are concentrated at night and weekends, thus giving a clear inference that PPVC is linked to the night-time economy. There was a clear peak of offences in the designated zone between 23.00 hours and 03.00am which accounted for nearly two thirds of all PPVC in this zone. A study of criminal damage and anti-social behaviour also indicated a clear peak in the designated zone at similar times. Local residents were directly affected on a regular basis and in

addition to the main roads within the zone, smaller streets, such as Elms Avenue, regularly suffered sprees of damage and anti-social behaviour.

Reference was made to the police priority to significantly reduce violent crime and disorder in Eastbourne and new policing methods which adopted a preventative approach at key hot spot areas in the town. Any premises identified as causing problems would be subject to a police visit and the development of an action plan to guide operators on preventative measures. Subsequent failures to address concerns could lead to the police seeking a review of the licence.

In response to a question from Mr Hall regarding the 48 incidents quoted for Seaside Road between October 2006 to September 2007 and the times the incidents occurred, Inspector Wainwright indicated that no statistical breakdown was available.

Inspector Wainwright advised that more recent research which provided a breakdown of the times of incidents in or around late night refreshments houses in Pevensey Road, Susans Road and Seaside Road between 1 September 2007 and February 2008 was available. The Sub-Committee used its discretion to permit the submission of the additional information in view of its relevance to the application and the questions raised by Mr Hall. The figures indicated a peak of offences between 3.00am and 3.15am.

With reference to the additional statistical information circulated, Mr Hall pointed out that the breakdown of incidents had included Susans Road and Pevensey Road.

In response to a question regarding the closure time which would be acceptable by Sussex Police, Inspector Wainwright indicated that the 1.00am closure time and conditions suggested were put forward as part of the consultation process in an effort to achieve a compromise position. However this was as part of a consultation process with the applicant, and did not undermine the Police's original representation.

Inspector Wainwright considered that due to the number of fast food outlets in the area, a further specialist venue would provide greater choice and therefore attract even more people into the area.

Reference was made to the lack of available public transport, with no buses after midnight and limited taxi and private hire vehicles operating during the early hours. No taxi ranks currently operated in Seaside Road.

Inspector Wainwright advised the Sub-Committee that the applicant's representations had been considered and the Sussex Police Licensing Officer had met the applicant's representative, Mr B Hall. Mr Quraishi had agreed to a number of conditions which was considered a positive response to police concerns, although no final agreement could be reached.

It was maintained however that an extension of hours to 03.00am would not comply with the licensing objective to prevent crime and disorder and the cumulative effect of another late night premises in this concentrated area would further stretch police resources.

Representations in support of the application were made by the applicant's representative, Mr B Hall.

Mr Hall advised the Sub-Committee that of the current six late night refreshment operators in the area, all but two were trading at 3.00am at weekends.

Super Pizza had been trading for 3 months and details of the interior of the premises had been circulated. It was felt that venue's commercial viability would be detrimentally affected if it was not permitted to operate on a similar basis to the other venues in Seaside Road. Mr Quraishi indicated that the premises could not survive if was not permitted to trade until the terminal hour requested.

The police concerns and the difficulties relating to the night time economy in the area were acknowledged and the applicant was committed to working with the police in support of the requirements of the Cumulative Impact Policy. The applicant had agreed to cease hot food at 2.30am with a closure time of 03.00am and the conditions suggested by the police and accepted by the applicant were considered to support and promote the prevention of crime and disorder licensing objective.

Reference was made to the large numbers of customers catered for by nightclubs in the area which traded in the main until 3.00am. He contended that a further late night refreshment venue with seating would provide more choice and could assist in diffusing large numbers of customers queuing for food. He referred to a condition requested by the Fire Authority relating to the use of the basement area, which had been agreed by the applicant.

The Licensing Manager questioned Mr Quraishi on various aspects of the management of the premises, particularly methods to train staff to deal with difficult customers and the steps he would take to promote the licensing objectives. Additionally, she questioned him about his understanding of the Cumulative Impact Policy.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted and the further evidence presented at the meeting, the four licensing objectives and the Council's Statement of Licensing Policy. When the Sub-Committee reconvened the legal adviser indicated that he had been called in to provide advice regarding cumulative impact and clarification that the representations made by Sussex Police had been submitted under the prevention of crime and disorder licensing objective.

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 Super Pizza, 61 Seaside Road be granted as set out in the attached appendix.

The meeting closed at 8.40p.m.

**M Thompson
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 13 February 2008

- Applicant: Mr Mustafa Quraishi
- Premises: Super Pizza
61 Seaside Road
Eastbourne
BN21 3LQ
- Reasons for Hearing: Relevant representations received from responsible authorities under the prevention of crime and disorder objective.
- Parties in attendance: For the applicant – Mr M Quraishi (applicant) and Mr B Hall (Licensing Consultant).
- Responsible Authorities - Sussex Police - Inspector N Wainwright
- Decision made: To grant the new premises licence as follows:
- Standard Hours**
- Late Night Refreshment:**
- Monday – Sunday 23.00 hours – 01.00 hours
- Open to the Public:**
- Monday – Sunday 12.00 hours – 01.30 hours
- Subject to the following conditions (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003 and those required under the Fire Safety Risk Assessment):
- (i) The premises licence holder shall be an active member and supporter of Nightwatch.
 - (ii) CCTV, monitors and appropriate recording equipment shall be installed, operated and maintained following consultation with Sussex Police to a standard specification.
- Reasons for Decision: The Sub-Committee has granted the application for a new 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.
- The Sub-Committee has weighed up the applicant’s submissions alongside the representations made by the responsible authorities (Sussex Police) and considers that under the Cumulative Impact

Policy, an extension of the opening hours until 3.00am would undermine the crime and disorder licensing objective.

The Sub-Committee had particular regard to the evidence put before it that the peak time for crime and disorder related incidents occurred after 3.00am and the level of incidents at 1.00am was no higher than the level preceding an 11.00pm closing time. The Sub-Committee's concerns relating to crime and disorder were partly addressed by the conditions put forward by Sussex Police. The applicant had accepted the conditions save for an original suggestion by the Police for a closure time of the premises of 1.00am.

Date of Decision: 13 February 2008

Date decision notice issued: 21 February 2008

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.