

Monday, 28 October 2013
at 6.00 pm
Town Hall, Grove Road, BN21
4UG

Licensing Act Sub-Committee

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.



The Licensing Act Sub-Committee meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.



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MEMBERS: Councillor Shuttleworth (Chairman); Councillors Cooke and Murray

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. (Please see note at end of agenda).**
- 3 Variation of a Premises Licence - Lusitano Café, 128 Seaside Road (Pages 1 - 38)**

Report of Senior 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.

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

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.

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, Text Relay: 18001 01323 410000,
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: 28th October 2013
Subject: Application For a variation to a premises licence, Lusitano Café
128 Seaside Road, Eastbourne BN21 3PF
Report Of: Jay Virgo, Senior Specialist Advisor
Ward(s) Devonshire Ward
Purpose To determine an application for a variation to a premises
licence under the Licensing Act 2003.
Contact: Danielle Ball 01323 415367 or danielle.ball@eastbourne.gov.uk

1.0 Introduction & Background

- 1.1 An application has been received by Eastbourne Borough Council as Licensing Authority, for the premises known as Lusitano Café, 128 Seaside Road, Eastbourne, BN21 3PF.
- 1.2 The premises are currently trading as a licensed café.

2.0 The Application

- 2.1 An application for grant of a variation to a premises licence under the Licensing Act 2003 has been sought for the following activities:

Late night refreshment (indoors only)

23.00- 00.00 hours Monday - Sunday

Supply of alcohol (indoors only)

08.00 – 23.30 hours Monday - Sunday

Open to the Public

07.30– 00.00 hours Monday – Sunday

- 2.2 Add conditions to the licence-

Provide availability of hot and cold food on the premises throughout licensed hours.

Waiter service of food, patrons seated at table/counter.

Sharper surveillance of area immediately outside the premises.

Installation of CCTV. Recording saved for 28 days and fitted in accordance with recommendations from Sussex Police.

3.0 Licensing Objectives

3.1 When submitting an application for 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**.

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. A number of "Responsible Authorities" have also been consulted as part of the process, allowing a consultation period of 28 days for representations to be made.

4.2 In this instance, as a result of the consultation process, a number of representations have been received. These are detailed at Section 8 of this report.

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 or can be downloaded from:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/>

6.2 Whilst each application will be considered on its merits, the Licensing Sub Committee will have due regard to the Eastbourne Borough Council Statement of Licensing Policy 2011 – 2014, and Section 182 Guidance issued by the Department of Culture, Media and Sport, (revised in June 2013), and must act to promote the four Licensing Objectives.

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 from accessing 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 The full Cumulative Impact Policy can be found within the Council's Statement of Licensing Policy 2011 – 2014. Copies are available in the members room and at:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/>

8.0 Representations

8.1 A full copy of all representations is included at **Appendix 2**, however a summary appears below.

Interested Parties

There have been **4** representations from members of the public:

Mr K Mitchell
Mr S Guest
W Wathen
Mr D Walters

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

Concerns centre on the potential for noise, nuisance and alcohol fuelled disturbance in the area.

Representations from Responsible Authorities

There has been **0** representations from responsible authorities:

- **Sussex Police** – No representations.
- **Eastbourne Borough Council Health and Environment Team** - No representations.
- **Eastbourne Borough Council Health and Safety Department** – No representations.
- **Eastbourne Borough Council Licensing Team**- No representations
- **Eastbourne Borough Council Planning Department**– No

representations.

- **East Sussex Fire and Rescue Service** – No representation
- **Area Child Protection Team**– No representations
- **Trading Standards (East Sussex County Council)** – No representations.
- **Primary Care Trust**- No representations

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 necessary, proportionate and reasonable on a case by case basis.

8.5 The applicant, "interested parties" and/or Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.

9.0 Mediation

9.1 Eastbourne Borough Council's Health and Environment Team and Sussex Police asked for conditions to be added to the licence, if granted. The applicant has agreed to all of these conditions. A copy of the conditions are included at **Appendix 3** and is set out below:

- During the extended hours between 22:00 and 23:30 all licensable activities including the consumption of food and drink, will take place inside the premises. The seating outside will not be used.
- Persons using the outside of the premises for smoking should be made aware it is a residential area to keep noise to a minimum and will only be used for smoking not congregating.
- All alcohol and food will be served to customers seated at tables by waiter/waitress service only.
- Substantial food shall be available at all times when the premises are open.
- Non-alcoholic beverages including drinking water shall be available at all times when the premises is open.

10.0 Legal Considerations

- 10.1 The framework for the issue, variation and/or modification to applications is made under the Licensing Act 2003. The Department for Culture, Media and Sport has issued Guidance under Section 182 of the Act, amended in April 2012. This Guidance is provided in order to assist the Council in carrying out functions under the Act.
- 10.2 Furthermore, the Licensing Sub Committee must have regard to Eastbourne Borough Council's Statement of Licensing Policy 2011-2014.

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

- LACORS Guidance – Committee Hearings 2006
- Section 182 Statutory Guidance to the Licensing Act 2003 (June 2013)
- Hearing and Regulations, Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2011-2014
- Human Rights Act 1998

Licensing hearing/lusitano 128 seaside road

Licensing Team
 Eastbourne Borough Council
 1 Grove Road
 Eastbourne
 BN21 4TW

E-mail: licensing@eastbourne.gov.uk

Forms & guidance can be downloaded from www.eastbourne.gov.uk/licensing



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We LUZIA FRANCISCA BAIÃO SILVA, FERNANDO DA FONSECA DA COSTA
 (Insert name(s) of applicant)

being the premises licence holders apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 007055

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
 'LUSITANO CAFE RESTAURANTE'
 128 SEASIDE ROAD,
 EASTBOURNE
 SUSSEX

Post town	EASTBOURNE	Postcode	BN21 3PF
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Telephone number at premises (if any)	01323 734833	X
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Non-domestic rateable value of premises	£6,800.00	X
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Part 2 - Applicant details - FOR BOTH APPLICANTS

Daytime contact telephone number	01323 365366
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E-mail address (optional)	-
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Current postal address if different from premises address	101 CAVENISH PLACE EASTBOURNE SUSSEX
---	--

Post town	EASTBOURNE	Postcode	BN21 3TY
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. TO INCREASE THE HOURS FOR SUPPLY OF ALCOHOL ON THE PREMISES.
2. TO ENLARGE THE HOURS OPEN TO THE PUBLIC
3. TO ALLOW PROVISION OF LATE NIGHT REFRESHMENT
4. TO ADD CONDITION TO LICENCE TO PROVIDE AVAILABILITY OF HOT AND COLD FOOD ON THE PREMISES THROUGHOUT LICENSED HOURS
5. WATER SERVICE OF FOOD, PATRONS SEATED AT TABLE / COUNTER
6. TO REMOVE UNFETTERED SALE OF ALCOHOL

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)

- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u> <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block; margin-top: 10px;">NOT APPLICABLE</div>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> <u>State any seasonal variations for performing plays (please read guidance note 4)</u> <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u> NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> <u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u> <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			<p style="text-align: center;">NOT APPLICABLE</p>
Tue			<u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u>
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u> <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">NOT APPLICABLE</div>	Indoors	<input type="checkbox"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>				
Tue							
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>				
Thur							
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>				
Sat							
Sun							

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u> 	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">NONE</div>		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	00.00	NONE		
Tue	23.00	00.00			
Wed	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	00.00	NONE		
Fri	23.00	00.00			
Sat	23.00	00.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun	23.00	00.00	NONE		

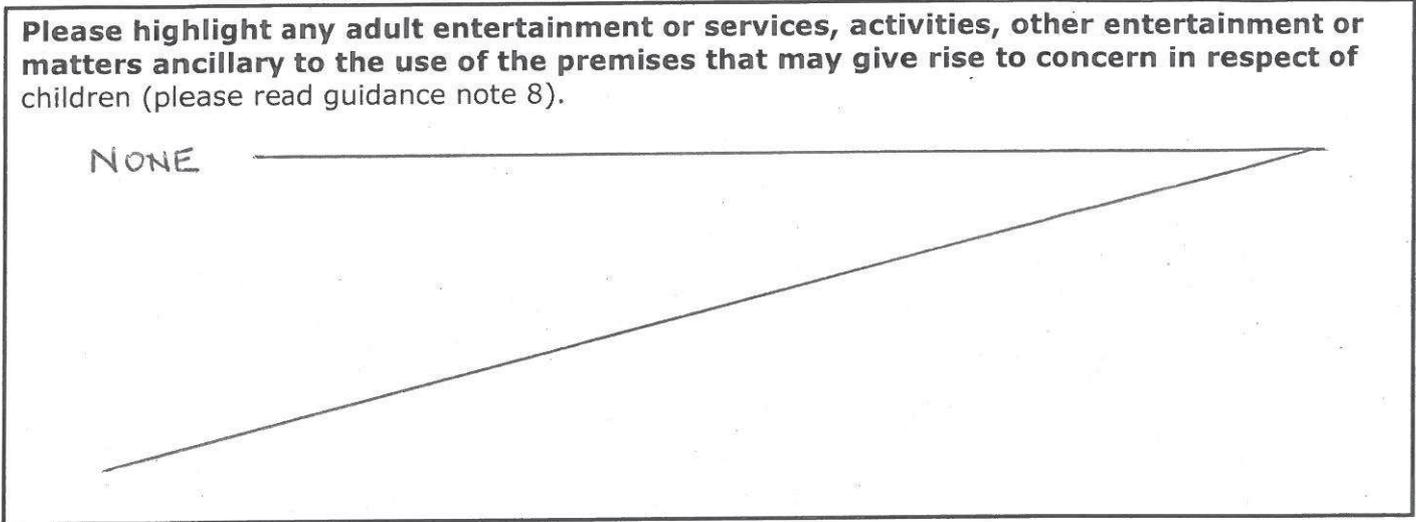
J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE _____ 		
Mon	0800	23.30			
Tue	0800	23.30			
Wed	0800	23.30			
Thur	0800	23.30			
Fri	0800	23.30			
Sat	0800	23.30			
Sun	0800	23.30			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
			NONE _____		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE



L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	
Mon	0730	0000	
Tue	0730	0000	
Wed	0730	0000	
Thur	0730	0000	
Fri	0730	0000	
Sat	0730	0000	
Sun	0730	0000	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

NONE

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

THE UNRESTRICTED SALE AND SUPPLY OF ALCOHOL.

THE RESTRICTION OF OPENING HOURS.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.



M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

SHARPER SURVEILLANCE OF AREA IMMEDIATELY OUTSIDE THE PREMISES.

b) The prevention of crime and disorder

THE INSTALLATION OF CLOSED CIRCUIT TELEVISION - RECORDING SAVED 28 DAYS, AND FITTED IN ACCORDANCE WITH RECOMMENDATIONS FROM SUSSEX POLICE

c) Public safety

—

d) The prevention of public nuisance

—

e) The protection of children from harm

—

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application ~~and the plan~~ to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Bernardo Ham
Date	4th SEPTEMBER 2013
Capacity	LICENSING CONSULTANT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Bernardo Ham
Date	4th SEPTEMBER 2013
Capacity	LICENSING CONSULTANT

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

B. M. HALL
5 CACKLEBURY CLOSE
HAILSHAM
SUSSEX

Post town	HAILSHAM	Post code	BN27 3LF
Telephone number (if any)	01323 847012		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Part A
Premises Licence**

Premises Licence number

007055

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Lusitano Café Restaurante
128 Seaside Road
Eastbourne
East Sussex BN21 3PF

Telephone number: (01323) 640978

Where the licence is time limited, the dates:

Start Date 12th March 2008

End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Sale by retail of alcohol

The public opening hours of the premises:

Monday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Tuesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Wednesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Thursday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Friday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Saturday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Sunday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: On the Premises only

Monday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Tuesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Wednesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Thursday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Friday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Saturday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Sunday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs

Licensing Team, 1 Grove Road, Eastbourne, East Sussex BN21 4TW

Tel: +44(0)1323 410000 Fax: +44(0)1323 415997 Minicom: +44(0)1323 415111 DX6921 Eastbourne

Email: licensing@eastbourne.gov.uk Web: www.eastbourne.gov.uk/licensing

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted on the premises at the given times.

Signed: _____
Licensing Manager

Date: _____

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Joao Belmiro Barros Camara
3, The Broadway
Eastbourne
East Sussex
BN22 0AS

Email:

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Joao Belmiro Barros Camara
3, The Broadway
Eastbourne
East Sussex
BN22 0AS
Tel:

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	1320/043502
Issuing Authority	Eastbourne Borough Council

Annex 1 – Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

	This registration authorises the supply of alcohol subject to the following conditions:
1.	No supply of alcohol may be made at a time when (a) there is no designated premises supervisor in respect of the premises licence, or (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2.	Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision (where supervisors are engaged this condition applies)

3.	All door supervisors will be Security Industry Authority registered.
----	--

Annex 2 – Conditions consistent with the Operating Schedule

All Licensing Objectives

Train all the front staff about the times of opening and have an eye for detail with what's going on.

Never serve alcohol if they are already drunk

Inform the related authority if any anti social behaviour going or going to be held within the community.

Crime and Disorder

Call the Police by dialing 999 and ask for their help if any violence going on in or around the premise.

Enquiring about CCTV system, shopwatch scheme in the area.

Public Safety

Let public know by notice in advance if there is any functions going on in the future (ie Temporary Event)

Serve the alcohol only within the time specified.

Public Nuisance

Keep an eye and be alert on the customers whether they drink or not.

If they are drunk don't serve them.

Display No Smoking on the premises signs and Keep Quiet signs

Protection of Children from Harm

Check an ID if in doubt before serving them

Never let in under 18's without an adult

Serve only wine, beer and cider to 16 and 17 years olds only if they are with their parents and serve only with a substantial table meal. Allocated amounts only.

Annex 2A – Embedded Restrictions

Not applicable

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

All Licensing Objectives

Not applicable

Crime and Disorder

Not applicable

Public Safety

Not applicable

Public Nuisance

Not applicable

Protection of Children from Harm

Not applicable

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

Premises Licence number:

Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Lusitano Café Restaurante
128 Seaside Road
Eastbourne
East Sussex BN21 3PF
Telephone number: (01323) 640978

Where the licence is time limited, the dates:

Start Date 12th March 2008
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:

The public opening hours of the premises:

Monday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Tuesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Wednesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Thursday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Friday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Saturday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Sunday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs

Sale by Retail of Alcohol: On the Premises

Monday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Tuesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Wednesday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Thursday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Friday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Saturday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs
Sunday 12:00hrs - 14:00hrs and 18:00hrs - 22:00hrs

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted on the premises at the given times.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Joao Belmiro Barros Camara
3, The Broadway
Eastbourne
East Sussex
BN22 0AS

Email:

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Joao Belmiro Barros Camara

State whether access to the premises by children is restricted or prohibited:

Not applicable

Signed: _____
Licensing Manager

Date: _____

APPENDIX 2

re the above premises licence and opening hours . i wish to complain about the cafe at the above address as we live near by and have had to experience the number of patrons blocking the pavement from early morning to late at night. the noise is discusting we need to improve the local area not let it decline it is to this end i wish to apose the extended hours . even to ask for a review to the present use of the premises

kevinmitchell [REDACTED]
[REDACTED]

I wish to object to the above licence application, the area is mainly residential there are blocks flats to the front and the side and we have had unacceptable levels of noise from this establishment in the past we have had 30-40 people outside singing shouting very loud music and the pavement being completely blocked which has been an on going problem during the daytime any extension will lead to further noise pollution late night disturbance and street vandalism which is a major problem in the area as are late night revellers using side streets and gateways as toilets.

Sebastian Guest



LICENSING MANAGER
EASTBOURNE
EASTBOURNE BOROUGH COUNCIL
1 GROVE ROAD
EASTBOURNE



1ST OCTOBER 2013

DEAR SIR OR MADAM

I am writing to you with my concerns not to let the DELTA BAR IN SEASIDE ROAD have an all day license .It is open at 730 am until midnight .There is a constant stream of people sitting outside smoking and talking with children there until closing time most nights which can be extremely noisy .ON Thursady 19th September at 8pm there was a fight and one man was covered facially with blood form and injury and a lot of pushing and shoving going on and shouting form a group of about 15 foreign men this is all whilst people were making there way to the ROYAL Having tables and chairs outside on the pavement where there customers sit and smoke it gets very crowded meaning noise and people having to walk on the road to get past. I have lived at this address for over 10 years it is a very busy road but this year in the summer months I have been unable to have my bedroom or front windows open in the evening as it is so noisy which is not really acceptable .The premises has always been a café or restaurant never a bar and has not been a problem before .I t that if it should be allowed to obtain a license then it should be 11 am until 11 pm only with this being properly supervised and checked upon on a regular basis.

YOURS SINCERLEY

A handwritten signature in cursive script that reads "W. V. Wathen".

W.V.WATHEN



MR D. J. WALTERS



Sir or Madam.

Re application for 'Lucastano Cafe' 128
seaside Rd. I strongly object to the application
for extended hours of variation under the Licensing Act.
Since they opened there has been problems with noise
and disruption to availability of the highway.
I have complained to environmental health twice as I
am led to believe others have. I have had instances
when children have been running around in neighbouring
downing even knocking & mangy balls. I feel that
if you allow their application to be approved it could
cause more disruption with my double glazed windows
closed and it I could understand their language I
could hear it all.

I have nothing against businesses opening up but
do not want the noise and disruption in sitting on
the public highway i.e. pavement and standing in the
road.

Yours faithfully
D. Walters

Lusitano Caf

Our ref Requests/112781

Re: Lusitano Caf

Please can you add to the application the following or similar:

During the extended hours between 22:00 and 23:30 all licensable activities including consumption of food and drink, will take place inside the premises. The seating outside will not be used.

Persons using the outside of the premises for smoking should be made aware it is a residential area to keep noise to a minimum and will only be used for smoking not congregating.

If the applicant is not willing to add these conditions I will be making a representation to the licensing dept

Adrian Albon
Specialist Advisor
Health and Environment Team
Customer First
EASTBOURNE BOROUGH COUNCIL
1 Grove Road, Eastbourne, East Sussex, BN21 4TW
TEL: +44 (0)1323 410000 Fax: +44 (0)1323 415130 Minicom: +44 (0)1323 415111
mailto:adrian.albon@eastbourne.gov.uk
General Enquiries: customerfirst@eastbourne.gov.uk
WWW: <http://www.eastbourne.gov.uk>

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Vary the premises licence to a) extend the hours for the sale of alcohol from 12:00 hrs to 14:00 hrs & 18:00 hrs to 22:00 hrs daily to 08:00 hrs to 23:30 hrs daily. a) To extend the opening hours to 07:30 hrs - midnight daily. c) to allow the provision of late night refreshment between 23:00 hrs & midnight daily. There will be no objection to this application provided that caf/bar conditions are attached to the licence. i.e.

1. all alcohol and food will be served to customers seated at tables by waiter/waitress service only.
2. Substantial food shall be available at all times when the premises are open.
3. Non-alcoholic beverages including drinking water shall be available at all times when the premises is open.

These conditions are agreeable to the applicant and his agent, Mr Bernie Hall.

Kind regards,

Cathie WOLFE
Eastbourne 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