

Wednesday, 1 October 2014

at 6.00 pm

Town Hall, Eastbourne

EASTBOURNE

Borough Council



www.eastbourne.gov.uk

Licensing Act Sub-Committee

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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) and Councillors Cooke and Ungar

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.**
- 3 Variation of a Premises Licence - Galleria Ristorante, 117-119 Seaside Road. (Pages 1 - 54)**

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 Minicom: (01323) 415111, 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: 1st October 2014
Subject: Application For a Variation to Premises Licence For Galleria Ristorante, 117-119 Seaside Road, Eastbourne
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 515367 danielle.ball@eastbourne.gov.uk

1.0 Introduction & Background

- 1.1 An application has been received by Eastbourne Borough Council as Licensing Authority, for a variation to the premises known as Galleria Ristorante, 117-119 Seaside Road Eastbourne BN21 3PH
- 1.2 The premises currently operates as a restaurant under the Licensing Act 2003.

2.0 The Application

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

Live music (on the premises only)

10:00- 05:00 hours Monday – Sunday

Recorded music (on the premises only)

10:00- 05:00 hours Monday – Sunday

Provision of facilities for dancing (on the premises only)

10:00- 05:00 hours Monday-Sunday

Late night refreshment (on and off the premises)

23.00- 05.00 hours Monday - Sunday

Supply of alcohol (On the premises only)

10:00- 05:00 hours Monday – Sunday

Open to the Public

10.00– 05.00 hours Monday – Sunday

3.0 Licensing Objectives

- 3.1 When submitting an application for a variation to 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** and also includes a copy of the current premises licence.
- 3.2 A new plan of the premises was not included as part of the application so the current plan is included at **Appendix 2**.

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.
- 6.2 Whilst each application will be considered on its merits, the Licensing Sub Committee will act to promote the four licensing objectives and have due regard to:
- Eastbourne Borough Council's Statement of Licensing Policy 2014 – 2019 available via:

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

- Section 182 Guidance issued by the Department of Culture Media and Sport, (revised in June 2014) available via:

<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

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 Cumulative Impact Policy can be found within the Council's Statement of Licensing Policy 2014 – 2019.

8.0 Representations

- 8.1 A full copy of all representations is included at **Appendix 3**, however a summary appears below.

<p>Interested Parties</p> <p>There have been 2 representations from members of the public:</p> <p style="text-align: center;">Mr S Guest Mr K Mitchell</p> <p>The representations centre on the prevention of public nuisance (noise) Licensing Objective.</p>
<p>Representations from Responsible Authorities</p> <p>There has been 3 representation's from responsible authorities:</p> <ul style="list-style-type: none">➤ Sussex Police – Representation attached.➤ Eastbourne Borough Council Health and Environment Team – Representation attached.➤ Eastbourne Borough Council Health and Safety Department – No representation.➤ Eastbourne Borough Council Planning Department– No

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

- 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.
- 8.6 There has also been information forwarded from Eastbourne Borough Councils planning department. This includes the planning conditions attached to the premises. This is included at **Appendix 4.**

9.0 Options open to the Sub Committee

- 9.1 The Sub Committee must have regard to the following:
- Eastbourne's Statement of Licensing Policy 2014-2019;
 - Statutory guidance as amended in June 2014, under Section 182 of the Licensing Act 2003;
 - Representations from any Responsible Authority;
 - Representations from "interested parties";
 - Representations from Ward Councillors.
 - The application and supporting material.
- 9.2 The Licensing Sub Committee must take the steps it considers necessary for the promotion of the Licensing Objectives and may:
- Grant the application in full as requested;
 - Grant the application but modify it:

- By altering hours or activities;
 - Adding conditions as necessary, or
 - Omit parts as considered necessary for the promotion of the Licensing Objectives.
- Reject the whole or part of the application.

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 June 2014. 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 2014-2019.

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 2014)
- Hearing and Regulations, Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2014-2019
- Human Rights Act 1998

Licensing hearing/galleria Ristorante

Customer First Team
 1 Grove Road
 Eastbourne
 BN21 4TW
 E-mail: licensing@eastbourne.gov.uk
 Forms & guidance can be downloaded from www.eastbourne.gov.uk/licensing

EASTBOURNE

Borough Council



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.

I/ We Ms STEPHANE ZEMOURIA

(Insert name(s) of applicant)

being the premises licence holder, 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 085776

Part 1 – Premises Details

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

117-119 SEASIDE ROAD -
EAST BOURNE - EAST SUSSEX.

Post town EAST BOURNE

Post code

BN21 3PH

Telephone number at premises (if any) 01323 739033

Non-domestic rateable value of premises

£

Part 2 – Applicant details

Daytime contact telephone number

07918 620840

E-mail address (optional)

Current postal address if different from premises address

117 St same as premises

Post Town

EAST BOURNE

Postcode

BN21 3PH

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

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

ADD Live Music
EXTEND OPENING HOURS till 5 AM and
RECORDING Music
LATE NIGHT ENTERTAINMENT ON / OFF
SALE of ALCOHOL
ABILITY to be NOISY

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 yes

- | | |
|--|-----------------------|
| a) plays (if ticking yes, fill in box A) | <input type="radio"/> |
| b) films (if ticking yes, fill in box B) | <input type="radio"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="radio"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="radio"/> |

- 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 entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P



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</u> (please read guidance note 2)		Indoors	<input type="radio"/>
					Outdoors	<input type="radio"/>
					Both	<input type="radio"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)			
Thur						
Fri			<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</u> (please read guidance note 5)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)	
Thur				
Fri			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)	
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			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Fri				
Sat				
Sun				
			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)	

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)	Indoors	<input checked="" type="radio"/>
				Outdoors	<input type="radio"/>
Day	Start	Finish		Both	<input type="radio"/>
Mon	10 AM	5 AM	Please give further details here (please read guidance note 3) live Music during the week and DJ at the weekends.		
Tue	10 AM	5 AM			
Wed	10 AM	5 AM	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10 AM	5 AM			
Fri	10 AM	5 AM	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)		
Sat	10 AM	5 AM			
Sun	10 AM	5 AM			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="radio"/>
				Outdoors	<input type="radio"/>
				Both	<input type="radio"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10AM	5AM			
Tue	10AM	5AM	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	10AM	5AM			
Thur	10AM	5AM	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)		
Fri	10AM	5AM			
Sat	10AM	5AM			
Sun	10AM	5AM			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="radio"/>
					Outdoors	<input type="radio"/>
					Both	<input type="radio"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) <u>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</u> (please read guidance note 5)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="radio"/>
Mon				Outdoors	<input type="radio"/>
				Both	<input type="radio"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

I

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

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="radio"/>				
				Outdoors <input type="radio"/>				
				Both <input type="radio"/>				
			Please give a description of the facilities for dancing you will be providing					
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	10 AM	5 PM						
Tue	10 AM	5 PM						
Wed	10 AM	5 PM				State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	10 AM	5 PM						
Fri	10 AM	5 PM				Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10 AM	5 PM						
Sun	10 AM	5 PM						

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="radio"/>
Mon				Outdoors	<input type="radio"/>
			Both	<input type="radio"/>	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

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 type="radio"/>
Day	Start	Finish		Outdoors	<input type="radio"/>
Mon	11 PM	5 AM	Please give further details here (please read guidance note 3)	Both	<input checked="" type="radio"/>
Tue	11 PM	5 AM			
Wed	11 PM	5 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	11 PM	5 AM			
Fri	11 PM	5 AM	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)		
Sat	11 PM	5 AM			
Sun	11 PM	5 AM			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="radio"/>
				Off the premises	<input type="radio"/>
				Both	<input type="radio"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10AM	5AM			
Tue	10AM	5AM			
Wed	10AM	5AM			
Thur	10AM	5AM			
Fri	10AM	5AM			
Sat	10AM	5AM			
Sun	10AM	5AM	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)		
Thur	10AM	5AM			
Fri	10AM	5AM			
Sat	10AM	5AM			
Sun	10AM	5AM			
Thur	10AM	5AM			
Fri	10AM	5AM			

0

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)
Day	Start	Finish	
Mon	10AM	5AM	
Tue	10AM	5AM	
Wed	10AM	5AM	
Thur	10AM	5AM	
Fri	10AM	5AM	
Sat	10AM	5AM	
Sun	10AM	5AM	
			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)

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

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

Please tick yes



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

N

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)

N/A

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

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,e) (please read guidance note 9)

Advise the Customers to leave Quietly.

b) The prevention of crime and disorder

CHECKING ID.
The Right to Refuse persons if we ASSESS
They ARE DRUNK.

c) Public safety

we HAVE CCTV-CAMERAS
EVERYWHERE around the place.

d) The prevention of public nuisance

Advise All Customers to leave -
Nicely + Quietly

e) The protection of children from harm

CHECKING ID.
and they HAVE to be accompanied by an adult
if the Age - over 16.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Before completing this form you should read our step by step guidance booklet 'The new licensing system: a guide to the changes' available from our offices or to download from our website (see top of page 1), which includes addresses to send copies of this form. Incomplete or incorrect applications will be returned and will delay issuing your licence

"This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes."

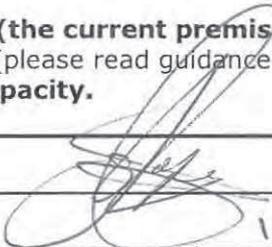
Please tick yes

- 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 CONVICTION TO A FINE UP TO 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	
Date	11.08.14
Capacity	G.M.

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	
Date	
Capacity	

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

<p> </p> <p> </p> <p> </p> <p> </p>			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

**Part A
Premises Licence**

Premises Licence number

035776

Part 1 - Premises details

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

Blue Ginger
117-119 Seaside Road
Eastbourne
East Sussex BN21 3PH
Telephone number: 07748558940

Where the licence is time limited, the dates:

Start Date 1 March 2011
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Recorded music
Provision of Late Night Refreshment
Sale by retail of alcohol

The public opening hours of the premises:

Monday 10:00hrs - 00:50hrs
Tuesday 10:00hrs - 00:50hrs
Wednesday 10:00hrs - 00:50hrs
Thursday 10:00hrs - 00:50hrs
Friday 10:00hrs - 00:50hrs
Saturday 10:00hrs - 00:50hrs
Sunday 10:00hrs - 00:50hrs

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

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

Recorded Music: Indoors

Monday 10:00hrs - 23:00hrs
Tuesday 10:00hrs - 23:00hrs
Wednesday 10:00hrs - 23:00hrs
Thursday 10:00hrs - 23:00hrs
Friday 10:00hrs - 23:00hrs
Saturday 10:00hrs - 23:00hrs
Sunday 10:00hrs - 23:00hrs

Provision of late night refreshment: Indoors

Monday 23:00hrs - 00:30hrs
Tuesday 23:00hrs - 00:30hrs
Wednesday 23:00hrs - 00:30hrs
Thursday 23:00hrs - 00:30hrs
Friday 23:00hrs - 00:30hrs
Saturday 23:00hrs - 00:30hrs
Sunday 23:00hrs - 00:30hrs

Sale by Retail of Alcohol: On the Premises Only

Monday 10:00hrs - 00:30hrs
Tuesday 10:00hrs - 00:30hrs
Wednesday 10:00hrs - 00:30hrs
Thursday 10:00hrs - 00:30hrs
Friday 10:00hrs - 00:30hrs
Saturday 10:00hrs - 00:30hrs
Sunday 10:00hrs - 00:30hrs

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

The 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:

ESS3 Limited
Railview Lofts
19c Commercial Road
Eastbourne
East Sussex
BN21 3XE

Email:

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

7877455

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

Mr Ranjeev Sharma
58 Barbuda Quay
Eastbourne
East Sussex
BN23 5TT
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	1230/042120
Issuing Authority	Eastbourne Borough Council

Annex 1 – Mandatory conditions

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 Objective

To provide general safety and well being to both public and staff. Provide clear signage in respect to fire, alcohol consumption and safety. Providing security from Closed Circuit Television and benefiting from and liaising with local street patrols.

Prevention of Crime and Disorder

1. To install CCTV cameras to Sussex Police standards – a **minimum of 3 internal and 1 external cameras** to be installed and operational 24 hours a day. All recordings to be retained for a minimum of 31 days and to be made available on request to Sussex Police and/or Local Authority officers. Staff to be trained on the use of CCTV including providing images when requested, and all images to be of an identification standard; the correct time and date is displayed and altered accordingly to take account of British Summer Time and Greenwich Mean Time.
2. 24 hour Building Warden on duty, patrolling area.
3. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal.
4. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals provided in the premises.
5. Substantial food and non-intoxicating beverages (including drinking water) shall be available during licensing hours in all parts of the premises where liquor is sold.

Public Safety

6. Fire Exits are visible and kept clear at all times.
7. Occupancy levels to remain as agreed at time of application with East Sussex Fire and Rescue Service.

Prevention of Public Nuisance

8. Use of CCTV cameras at all times when premises is open to the public.
9. To undertake regular patrols of the area to ensure no nuisance is being caused to local residents in the vicinity.

Protection of Children from Harm

10. Challenge 25 scheme to be adopted by premises and all staff trained in this practice.
11. Clear signage indicating the operation of the Challenge 25 policy.
12. A regularly maintained manual containing evidence that all staff have been trained in the law relating to the sale of alcohol be kept on the premises and made available for inspection by representatives from Sussex Police and the Local Authority.
13. Staff will record all refusals to sell age-restricted goods in a register maintained for this purpose.

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

All Licensing Objectives

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

Annex 4 – Plans

At the time of submission the attached plans are an accurate reflection of the design and layout of the premises.

Annex 5 – Mandatory Licensing Conditions

The Licensing Act 2003 (Mandatory Licensing Conditions Order 2010)

Conditions 1, 2 and 3 came into force on 6th April 2010

Conditions 4 and 5 came into force on 1st October 2010

1.

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - i. the outcome of a race, competition or other event or process or
 - ii. the likelihood of anything occurring or not occurring

- e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that:
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
 - b. customers are made aware of the availability of these measures.

**Part B
Premises Licence Summary**

Premises Licence number:

035776

Premises details

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

Blue Ginger
117-119 Seaside Road
Eastbourne
East Sussex BN21 3PH
Telephone number: 07748558940

Where the licence is time limited, the dates:

Start Date 1 March 2011
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Recorded music
Provision of Late Night Refreshment
Sale by retail of alcohol

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

Are detailed as per the enclosed schedule

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

RECORDED MUSIC			Indoors			
MON	TUE	WED	THU	FRI	SAT	SUN
10:00-23:00	10:00-23:00	10:00-23:00	10:00-23:00	10:00-23:00	10:00-23:00	10:00-23:00
LATE NIGHT REFRESHMENT			Indoors			
MON	TUE	WED	THU	FRI	SAT	SUN
23:00-00:30	23:00-00:30	23:00-00:30	23:00-00:30	23:00-00:30	23:00-00:30	23:00-00:30
SUPPLY OF ALCOHOL			On the Premises only			
MON	TUE	WED	THU	FRI	SAT	SUN
10:00-00:30	10:00-00:30	10:00-00:30	10:00-00:30	10:00-00:30	10:00-00:30	10:00-00:30
PUBLIC OPENING HOURS						
MON	TUE	WED	THU	FRI	SAT	SUN
10:00-00:50	10:00-00:50	10:00-00:50	10:00-00:50	10:00-00:50	10:00-00:50	10:00-00:50

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

The 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:

ESS3 Limited
Railview Lofts
19c Commercial Road
Eastbourne
BN21 3XE

Email:

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

7877544

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

Mr Ranjeev Sharma

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

Not Applicable

Signed: _____

Licensing Manager

Date: _____

Part 2

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

Mr Afraz Ullah
117-119 Seaside Road
Eastbourne
East Sussex
BN21 3PH

Email:

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

7877455

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

Mr Ranjeev Sharma
58 Barbuda Quay
Eastbourne
East Sussex
BN23 5TT
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	1230/042120
Issuing Authority	Eastbourne Borough Council



Checklist for Personal Licence application

- Application form completed, signed and dated
- Disclosure of Conviction form completed and signed
- Current CRB certificate enclosed (dated within 1 month of application)
- Original relevant qualification certificate enclosed
- Two passport size photographs
 1. Should be identical.
 2. One of which must be properly endorsed using the words **"This is a true likeness of (your name)"** by a solicitor or notary, a person of standing in the community or an individual with a professional qualification (this does not include a personal licence qualification). Please state the signatory's name and qualification.
 3. Must be taken against a light background so that the applicant's features are distinguishable and contrast against the background.
 4. Measure 35mm wide and 45mm high (passport size)
 5. Shall be full face uncovered and without sunglasses and, unless the applicant wears a head-covering due to his/her religious beliefs, without a head-cover.
 6. On photographic paper
- Fee £37.00 cheques payable to Eastbourne Borough Council (please do not send cash in the post)

Please ensure all relevant questions are completed and forms are signed and dated

Any incomplete or incorrect applications will be returned

For further information or forms www.eastbourne.gov.uk/licensing



INVESTOR IN PEOPLE

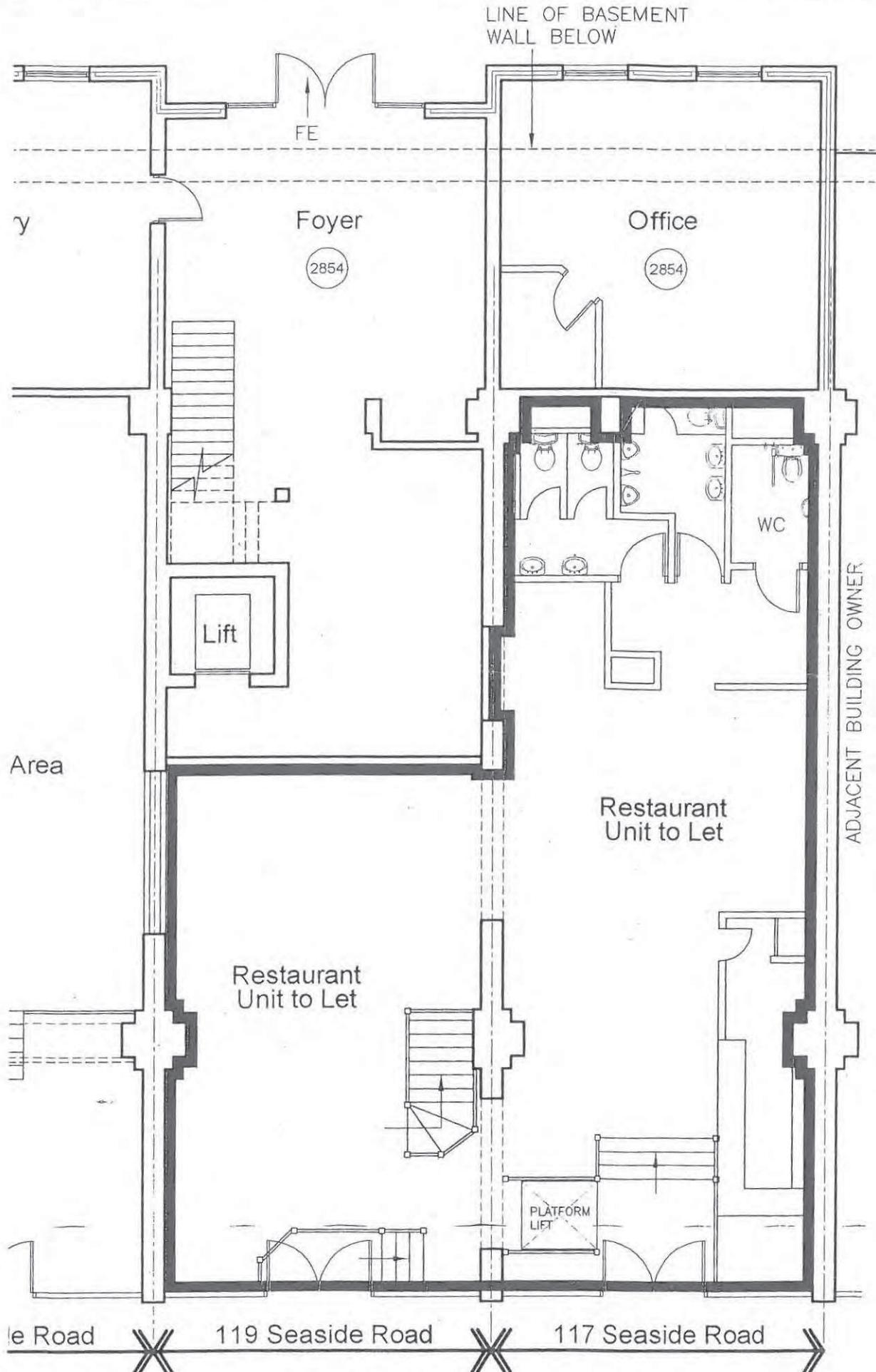


2006-2007
Culture and Sport for

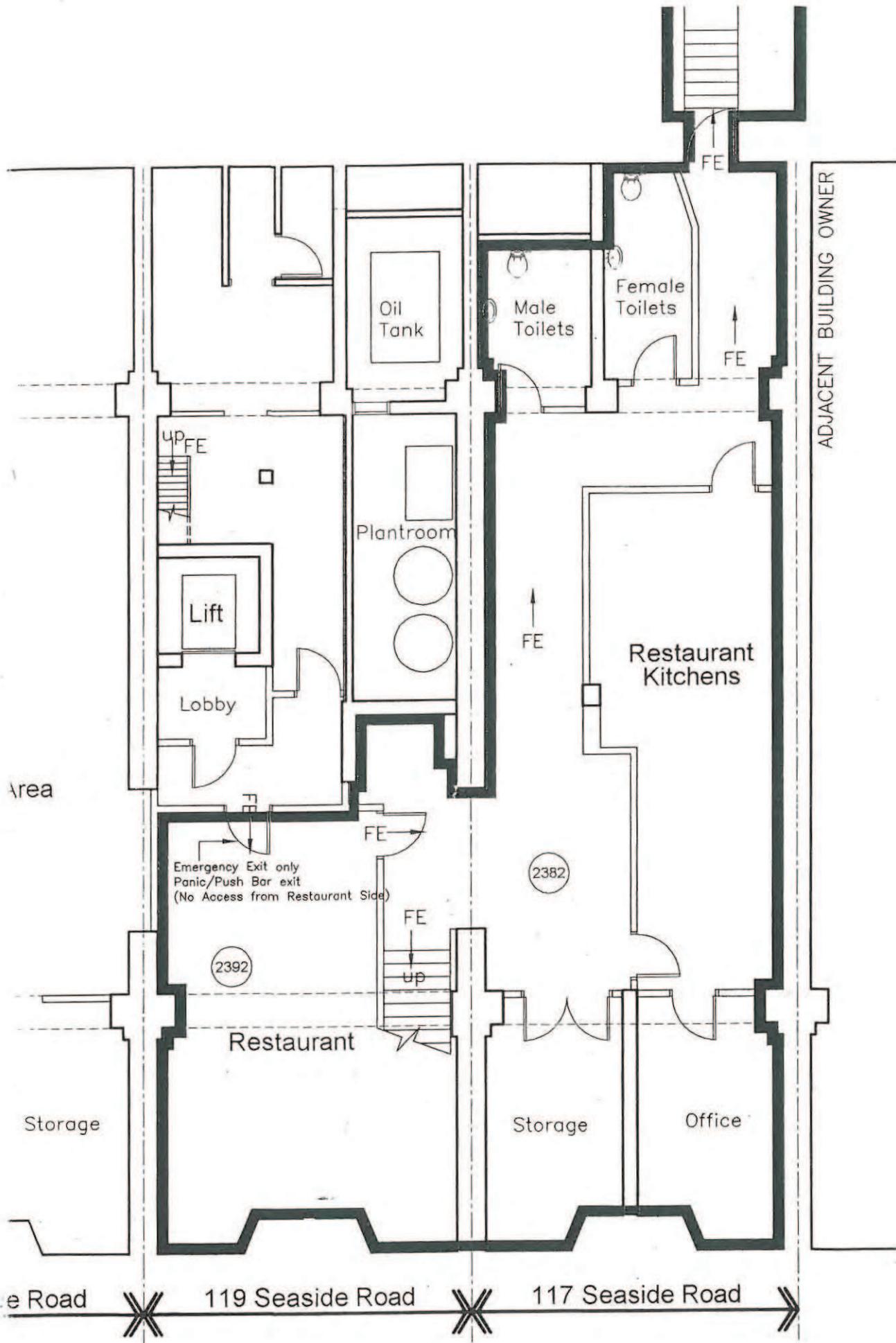
Licensing Team, 1 Grove Road, Eastbourne, East Sussex, BN21 4TW

Tel: +44(0)1323 410000 Fax: +44(0)1323 41997 Minicom: +44(0)1323 415111 DX6921 Eastbourne

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



GROUND FLOOR PLAN (Part)



MENT FLOOR PLAN (Part)

SCALE 1=100

APPendix 3

Objection - recieved via w2 email

With 74 flats above it would be most unsuitable for these premises to be able to open and play music until 5am. There is no soundproofing in the restaurant so the sound carries straight to the flats above then there is the noise made by the people smoking and drinking outside which have in the past been in quite large numbers. In the past as with Jesters there has been little or no control of the people drinking and smoking outside blocking the pavement and taking over the Bus stop leaving broken glasses and hundreds of cigarette stubs on the pavement.

We have had also weekly the Fire alarm being set off in the building in the early hours of the morning by DJs using smoking machines even though they had been told not to.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

as i live above the galieria italien resturant ai 117-119
seaside road eastbourne bn213ed .i would like it known
i object to any variation to the above liscencing hours
etc , due to it being in a mostly residential building
with two other premises on either side of the road
ie jesters and the nuthouse which allready cause too
much trouble with noise at late hours.to alow the
change would totaly alter the premiises use as a resturant

[REDACTED]

MR KEVIN MITCHELL

[REDACTED]



Sussex Police
Serving Sussex

www.sussex.police.uk

Alcohol Harm Reduction Unit

21st August 2014

Mr. Jay Virgo
Senior Specialist Adviser
Eastbourne Borough Council
1 Grove Road,
Eastbourne,
East Sussex
BN21 4TW

Dear Mr. Virgo,

**RE: APPLICATION FOR VARIATION OF THE PREMISES LICENCE AT ROSE INDIAN DINING
117 – 119 SEASIDE ROAD, EASTBOURNE BN21 3PH**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the Prevention of Crime and Disorder and the Public Nuisance Licensing Objectives.

Currently the premises operate as a restaurant opening between 10:00 hrs and 00:50 hrs with recorded music between 10:00 hrs and 23:00 hrs, late night refreshment between 23:00 hrs and 00:30 hrs and the sale of alcohol between 10:00 hrs and 00:30 hrs.

The proposed variation is to:

1. Extend the hours as follows:-
 - a) Sale of alcohol from 00:30 hrs to 05:00 hrs daily
 - b) Recorded music from 23:00 hrs to 05:00 hrs daily
 - c) Provision of Late Night Refreshment from 00:30 hrs to 05:00 hrs daily
 - d) Opening hours from 00:50 hrs – 05:00 hrs daily
2. To add live music from 10:00 hrs to 05:00 hrs daily
3. To add provision of facilities for dancing from 10:00 hrs to 05:00 hrs daily

There is a condition on the existing premises licence, *'Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal'*.

The removal of this condition has not been included in the application. However, when speaking to the applicant Mr. Stephane Zemouria today his intentions are as follows:-

1. To allow customers to consume alcohol without food
2. To create a night club on the lower floor where customers may consume alcohol and dance whether they have eaten a meal or not.
3. To provide a take-away hot food service though this is not specifically stated on the application.

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 and adopted in February 2011. 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 13.29 of the Secretary of State's Guidance to the Licensing Act 2003, amended in June 2014 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, when speaking to the applicant he was unaware of the existence of such a policy. Therefore nothing is proposed to mitigate the overall impact of this application; nor why this 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.

Yours sincerely,

Stephen Biglands
Eastbourne District Commander

adrian.albon@eastbourne.gov.uk
Our ref Requests/116317

**Representation Re: Application for variation of licence at Rose
Indian Garden
117-119 Seaside Road**

Environmental Health Pollution (Noise) Objection to application.
I write on behalf of Eastbourne Borough Council as the Environmental
Health 'Pollution' Authority to make a representation against Rose
Indian Dining premises licence variation application. The
representation is under the licensing objectives of the prevention of
public nuisance.

The premises is in/below a block with residential properties above,
historically there have been issues with noise from any amplified music
or live music due to the concrete structure transferring sound around
the whole premises known as 'Collenade Gardens'. I do not believe
that any loud amplified music or live music could be played at these
premises without it causing a nuisance especially with the extended
hours requested.

Adrian Albon
Specialist Advisor
Customer First
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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adrian.albon@eastbourne.gov.uk
Our ref Requests/116317

**Representation Re: Application for variation of licence at Rose
Indian Garden
117-119 Seaside Road**

Licensing objection to application

I write on behalf of Eastbourne Borough Council as the Licensing Authority to make a representation against Rose Indian Dining premises licence variation application. The representation is under the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

The premises are situated in the council's cumulative impact zone. Eastbourne Borough Councils Licensing policy statement states that "the applicant must produce evidence to rebut the presumption to refuse an application within the cumulative impact policy area." The Licensing authority does not feel that the applicant has provided enough information to exempt them from this policy.

Adrian Albon
Specialist Advisor
Customer First
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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Appendix 4

Application No. EB/2004/0636

Decision



EASTBOURNE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

PERMISSION TO DEVELOP LAND SUBJECT TO CONDITIONS

To:



Location: 117-119 SEASIDE ROAD, EASTBOURNE

Proposal: Change of use of ground floor and basement to restaurant (Use class A3).

In pursuance of their powers under the above Act, the Council as Local Planning Authority hereby permit you to develop land in accordance with the proposals set out in your application dated 24 August 2004 and shown on the plan(s) submitted therewith, subject to the conditions as specified hereunder:-

CONDITIONS

SEE SCHEDULE OF CONDITIONS ATTACHED

The reasons for the Council's decision to grant permission for the development subject to compliance with the condition set out above are:-

REASONS FOR CONDITIONS

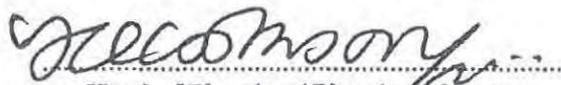
SEE SCHEDULE OF REASONS FOR CONDITIONS ATTACHED

This permission must **not** be treated as an **approval under the Building Regulations** which may require a **separate application** and is granted subject to due compliance with the general statutory provisions in force in the Borough and nothing herein shall be regarded as dispensing with such compliance.

Access for Fire Brigade: your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

Copies of the plan(s) and application form are returned herewith.

Dated: 25 October 2004


Head of Planning / Planning Manager

EAST SUSSEX ACT 1981
SECTION 35

- (1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the Fire Authority, they are satisfied that the plans show:
 - (a) that there will be adequate means of access for the Fire Brigade to the building or, as the case may be, to the building as extended;
and
 - (b) that the building or, as the case may be, the extension of the building, will not render inadequate any existing means of access for the Fire Brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 64(2) and section 65(2) to (5) of the Act of 1936, (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the Act of 1936.
- (4) Any person aggrieved by the action of the District Council in rejecting plans under this section may appeal to a Magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the Fire Brigade shall be construed as reference to a means of access adequate, or, as the case may be, inadequate for use for fire-fighting purposes by means of one or more Fire Brigades and their appliances.

NOTES
TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within three months of the date of this notice, using a form which you can get from: The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Telephone: 0117 372 6372. Email: enquiries@planning-inspectorate.gsi.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

SCHEDULE OF CONDITIONS ATTACHED TO APPLICATION NO. EB/2004/0636

1. That the development hereby authorised shall be commenced within five years from the date of this permission.
2. That the premises shall be used as a restaurant and for no other purposes (including any other purpose in Class A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987.
3. That the use hereby authorised shall take place only between the hours of 08.00 a.m and 11.00 p.m.
4. Details of a scheme sound insulation shall be submitted to and approved in writing by the Local Planning Authority before the use hereby authorised is first commenced. The details shall include a noise survey carried out by a suitably qualified sound engineer.
5. Details of a ventilation system to serve the kitchen including any external ducting, shall be submitted to and approved in writing by the Local Planning Authority before the use hereby authorised is first commenced, and thereafter retained.
6. Details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority before the use hereby authorised is first commenced. Receptacles for refuse storage shall be on a hardstanding within the curtilage of the premises.

SCHEDULE OF REASONS FOR CONDITIONS ATTACHED TO APPLICATION NO. EB/2004/0636

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To control the precise use of the premises in the interests of the amenities of the adjoining residents and the character of the locality.
3. In the interests of local residential amenity.
4. In the interest of amenity of neighbouring residential properties.
5. In the interest of the amenities of occupiers of neighbouring residential properties.
6. In the interest of the amenity of occupiers of neighbouring residential properties.

Dated: 25 October 2004


Head of Planning / Planning Manager

SUMMARY OF REASONS FOR DECISION ON APPLICATION NO. EB/2004/0636:

The proposed development is considered acceptable for the following reasons:

The use would not be detrimental to the retail vitality of the area nor adversely affect the amenity of neighbouring residential dwellings and complies with relevant policies of the Eastbourne Borough Plan 2001-2011.

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