

Licensing Act Sub-Committee – Record of Hearing held on Tuesday, 19 September 2017 at 6.00 pm

Members: Councillor Holt (Chairman); Councillors Belsey and Swansborough

1 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.

None were declared.

2 Variation to a Premises Licence - Dominos Pizza, 1 Langney Road.

All parties present introduced themselves and the Chairman detailed the procedure to be followed at the meeting.

The Specialist Advisor for Licensing outlined the report detailing the application to vary a premises licence for Dominos Pizza, 1 Langney Road. Details of the current premises licence and variation sought were appended to the report.

The Licensing Act Sub-Committee had previously granted a variation to Dominos Pizza on 19 June 2017, allowing the premises to provide late night refreshment from Sunday to Thursday from 23:00 hours to midnight, Friday and Saturday from 23:00 hours to 01:00 hours and removed the sale of alcohol as a licensed activity.

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. These were appended to the report at Appendix 1.

The premises in question was located within the Cumulative Impact Zone and where valid representations were received, the Cumulative Impact Policy creates a rebuttable presumption that the application be refused. It is up to the applicant to demonstrate that granting the application would not add to the cumulative impact cause by licensed premises and challenges already experienced in the area and would not undermine the promotion of the licensing objectives.

Following a consultation period of 28 days, six representations had been received, one supported by a petition signed by 37 local residents and businesses. The representations objected to the application on the four licensing objectives.

An email had also been submitted by Stephen Lloyd, MP for Eastbourne, supporting resident's concerns and objecting to the variation. The email,

along with the applicant's response were circulated to all parties present at the meeting.

Sussex Police had consulted with the applicant and agreed a set of conditions and reduction in hours compared to the original application. These discussions were appended to the report.

In response to a question from the Sub-Committee, the Specialist Advisor for Licensing advised that no complaints had been received since Dominos had been granted its variation on 19 June 2017.

Mrs Helen Hughes addressed the Sub-Committee on behalf of local traders and residents in the area. Concerns were raised regarding setting a precedent for future applications from other premises in the area, causing distress to local residents by trading at unsociable hours and the location of the premises within the cumulative impact zone and recommended that the application be refused.

Mrs Hughes referenced 3 recent incidents of violent altercations that had occurred in Langney Road and Susans Road that had required a police response however she acknowledged that these could not be attributed to the premises.

Mr Adrian Ley addressed the Sub-Committee on behalf of the Town Centre Neighbourhood Panel. Mr Ley's concern with the application centred on experience of the issues associated with fast food outlets and the four licensing objectives.

Mr Ley addressed the Council's Cumulative Impact Policy and praised its impact on the town centre by controlling the number of establishments operating after midnight. He reiterated that the Policy created a rebuttable assumption that the application be refused unless the applicant could provide sufficient evidence to prove that the premises would not exacerbate existing issues or undermine the licensing objectives. Mr Ley stated that he was not reassured by the steps taken by the applicant to promote the licensing objectives, completed as part of the application.

He concluded that the application would add to the cumulative impact already experienced in the area, as it would delay the rapid dispersal of people from the town centre and recommended that it be refused.

In response to a question from the Sub-Committee, Mr Ley and Mrs Hughes confirmed that they had not viewed the premises at 01:00 hours since its previous variation was granted.

Mrs Lucia Singh, applicant and owner addressed the Sub-Committee and responded to the concerns raised. She stated at this stage that there were no future plans to extend the hours at the premises and was satisfied with the conditions mediated with Sussex Police. The topic of dispersal was discussed in length with Sussex Police and it was decided that by closing the premises 30 minutes before the nearby nightclubs did would encourage dispersion earlier rather than all at once.

Mrs Singh addressed the incidents that had been raised in the area but suggested that these could not be attributed to fast food establishments or the premises. She then referenced other fast food establishments in the locality that were currently operating to 3:00 or 4:00 hours.

Mrs Hughes' representation had referenced driver disturbance however Mrs Singh stated that no formal complaint had been made against any driver at the premises.

The Sub-Committee was advised of a comprehensive report that had been compiled before planning application was granted for the premises that stated that the premises would have no impact to the noise level on the street.

Mrs Singh addressed the representations and stated that only one was from a resident that lived on the road that the premises was located and only four signatories of the petition lived in the immediate area.

Mrs Singh reiterated that the premises would not give rise to an increase in anti-social behaviour or violence and toilet facilities were provided on the premises so any issue of individuals urinating on door steps that had been raised by Mr Ley could not be attributed to the premises. Customers would be encouraged to leave the premises quietly and two SIA door staff would assist with this. A taxi rank was located directly outside the premises to assist with dispersal.

Mrs Singh concluded that the premises was not selling alcohol and were working closely with Sussex Police to promote the licensing objectives.

In response to a question from the Sub-Committee, Mrs Singh advised that any incidents at the premises had occurred during the day with street drinkers and there had been no issues at night.

Mr Ley concluded that his representation was not attributed to anything occurring at the premises but instead focused on the Council's Cumulative Impact Policy. He stated that granting an extension of hours would prevent the rapid dispersal of people and increase the issues already experienced in the town centre.

Mrs Hughes agreed with Mr Ley's point on rapid dispersal and concluded that residents would feel let down if the application was granted.

Mrs Singh concluded by stating that noise is associated with the town centre due to the operation of the various night clubs until 3:00 hours and referenced the email that had been received from Stephen Lloyd, MP of Eastbourne. She stated that it appeared not all the facts had been relayed to him due to Mr Lloyd stating incorrect operating hours and that Sussex Police were objecting to the application which was not the case.

Following all the evidence presented the Sub-Committee retired to consider and determined the application.

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

Resolved: That the application, as amended by Sussex Police following mediation, be granted in full.

The meeting closed at 7.16 pm

Councillor Holt (Chairman)