

**Licensing Sub-  
Committee  
7 April 2022**



Working in partnership with **Eastbourne Homes**

**Time and venue:**

**6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG**

**Membership:**

**Councillors Colin Belsey, Amanda Morris and Colin Swansborough**

**Reserve: Councillor Penny di Cara**

**Quorum: 3**

*Published: Wednesday, 30 March 2022*

## **Agenda**

- 1 Appointment of Chair**
- 2 Apologies for absence / declaration of substitute members**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct**
- 4 Application for the Review of a Premises Licence - The Best Kebab House, 14 Langney Road, Eastbourne, BN21 3EU (Pages 3 - 34)**  
Report of the Director of Service Delivery

# Information for the public

## Accessibility:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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## Public participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

# Information for Councillors

## Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (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).

## Councillor right of address:

Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

# Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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**Report to:** Licensing Sub-Committee

**Date:** 7 April 2022

**Title:** Application for a Review of a Premises Licence The Best Kebab 14 Langney Road Eastbourne BN21 3EU

**Report of:** Director of Service Delivery

**Ward(s):** Devonshire Ward

**Purpose of report:** To review a Premises Licence for The Best Kebab under the Licensing Act 2003.

**Officer recommendation(s):** To Review the licence granted to the premises known as The Best Kebab under the Licensing Act 2003

**Reasons for recommendations:** To determine the Review application submitted by Sussex Police

**Contact Officer(s):** Name: Dean Love  
Post title: Specialist Advisor - Licensing  
E-mail: dean.love@lewes-eastbourne.gov.uk  
Telephone number: 07919 541 488

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## 1 Introduction

- 1.1 Eastbourne Borough Council received an application for a Review of a Premises Licence under the Licensing Act 2003 for The Best Kebab 14 Langney Road Eastbourne BN21 3EU from Sussex Police on 9 February 2022.
- 1.2 At any stage, following the grant of a premises licence, a Responsible Authority or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The Review application is included along with additional evidence at **Appendix 1**.
- 1.3 The Police have called this Review due to several breaches of the premises licence by opening after 03:00am and because the Police consider that the Best Kebab are encouraging users of the night time economy to remain in the area resulting in public place violence and anti-social behaviour . The Police have also issued warning letters to the premises.
- 1.4 The grounds for the review relate to the following Licensing objectives:
- Prevention of Crime of Disorder
  - Public Safety

## 2. Consultation Process

2.1 Following receipt of the review application from Sussex Police this review was advertised for a period of 28 days in accordance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

## 3. Supporting Representation Received

3.1 During the consultation period the Licensing Team (as a Responsible Authority) submitted a representation in support of the review application. That is attached, along with a copy of the warning letter sent, as **Appendix 2**.

## 4. Representations

4.1 Interested Parties – No representations have been received.

4.2 The following summarises whether representations have been received from responsible authorities:

- **Sussex Police** – Applicant for the review.
- **Eastbourne Borough Council (Specialist Advisor) Environmental Health** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Health and Safety** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Planning** – No representation.
- **Eastbourne Borough Council (Specialist Advisor) Licensing** – Representation received.
- **East Sussex Fire and Rescue Service** – No representation.
- **Area Child Protection Team** – No representation.
- **Trading Standards (East Sussex County Council)** – No representation.
- **Primary Care Trust** – No representation.

## 5 Background of Premises

5.1 The Premises Licence was first issued on 15 September 2005 for the licensable activity of Late Night Refreshment.

Opening times	10:00 – 03:00
Light Night Refreshment	23:00 – 03:00

5.2 No variations to the licensable activities or conditions have been received since the licence was first granted back in 2005.

5.3 Mr Hayder Rasul, who was the Premises Licence Holder when the Review was served, was the premises licence holder from 18 January 2021 until 10 March 2022.

5.4 The Premises Licence was transferred to Mr Heman Rasul from Hayder Rasul on 10 March 2022.

5.5 The current Premises Licence can be found at **Appendix 3**.

## **6 The Decision Making Process**

6.1 At this hearing the Licensing Sub Committee must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives.

6.2 The Sub-Committee are asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 (Hearing) Regulations 2005 (as amended).

## **7 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance**

7.1 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members' Room.

7.2 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 2019 - 2024.
- Section 182 Guidance issued by the Home Office.

7.3 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 and are numbered as in Policy.

29.3 Revocation or suspension of premises licences or certificates will normally be considered where offences, such as sale of alcohol to persons who are drunk or sale of alcohol to persons under 18, occur on a regular basis. Review proceedings are often the last stage in a process where other steps have failed to address the issues that may arise:

- Action needed should seek to promote the licensing objectives but be balanced against the financial impact on the business.
- Action should be proportionate.
- Action should support the local community safety, crime reduction and drugs strategies, particularly those relating to alcohol misuse.

- 29.6 Section 182 Guidance, the Guidance, issued in connection with the Licensing Act 2003 stipulates that any representation made must be in writing, relate to particular licensed premises and be relevant to the promotion of the four licensing objectives.
- 29.7 The value of detailed evidence to support a representation cannot be over emphasized. Persons making a representation can attend the Review hearing. The person making the representation can amplify this at the hearing, but not extend this to other matters outside of the original representation.
- 29.8 Partnership working and warnings:

The Guidance further states that the promotion of the licensing objectives relies heavily upon partnership working with licence holders, authorised persons, any other person and Responsible Authorities in the pursuit of common aims and objectives. Reviews should not be used as a mechanism to create divisions between these groups to the extent that it undermines the benefits of co-operation and partnership working.

The Guidance recognises that it would be good practice for authorised persons and responsible authorities to give licence-holders early warning of their concerns about problems identified at the premises or in the vicinity of the premises where this can be linked back to the site and of the need for improvement. Failure to respond to these warnings or a Premises Action Plan is expected to lead to a decision to request a review of the premises licence or certificate.

## **8 Prevention of Crime and Disorder**

### **8.1 The Licensing Authority will have regard to:**

(i) The physical security features installed in the premises including: design and layout of the premises in minimising the opportunities for crime and conflict, provision of CCTV and associated recording equipment, display of crime prevention material raising patrons awareness of crime, noise, nuisance and safety issues, adequate lighting levels in the premises, metal detection and search facilities, the use of toughened /shatterproof and plastic drinking vessels within the area covered by a premises licence.

(iii) The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;

(vi) The measures taken to control admission to the premises, including the use of Security Industry Authority (SIA) licensed door supervisors.

(vii) Any other such measures as may be appropriate, including; participation in a local Pubwatch or Nightwatch scheme, or other body designed to ensure effective liaison and partnership with the local community, the use of 'music wind-down policies' and 'chill out areas'.

(viii) Measures to effectively control the premises during key events, for example; during sporting events, during Freshers Week, Airbourne and other significant times.

(ix) Other examples of industry Best Practice.

(xi) Steps taken to train staff in licensing law and raise awareness of issues in relation to licensed premises, including; excessive consumption of alcohol, underage and proxy sales of age restricted products, drug misuse and associated crime prevention strategies.

8.2 Where licensed premises are found to cause nuisance or be associated with disorder, unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include:

- The installation and use of CCTV and associated recording equipment to a standard specification
- Inclusion of a drugs and search policy of customers
- The use of SIA registered door supervisors
- Earlier closing times or last admissions time
- Action Plans for premises failing to meet the required standards
- Closure Orders
- Review and revocation proceedings
- Use of other mechanisms to effectively control an area where there is alcohol related crime and disorder, including powers under the Violent Crime Act 2006.

## **9 Options open to the Sub-Committee**

9.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the Licensing Objections and may:

- modify the conditions of the licence
- modify the times licensable activities can take place
- exclude a licensable activity
- issue a warning
- take no action
- suspend the licence for a period not exceeding 3 months, or
- revoke the licence.

9.2 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case-by-case basis. The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives. The Sub-Committee may not impose any condition unless its discretion has been exercised following receipt of a relevant representation and is satisfied that it is appropriate to promote one or more of the licensing objectives.

## **10 Right of Appeal**

- 10.1 An appeal made to the Magistrates' Court within 21 days of the appellant being notified of the decision. An appeal may be made by the applicant for the review, the premises licence holder or any other person who has made a relevant representation.
- 10.2 The determination of the Licensing Sub Committee will have no effect until the end of the period for the appeal as passed or until the disposal of the appeal

## **11 Financial**

- 11.1 The cost of delivering the licensing function is fully covered by the Licensing fees.
- 11.2 A decision made by the Sub Committee may be appealed by any party to the proceedings to a Magistrates' Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council.

## **12 Legal implications**

- 12.1 Under section 51 2003 Act a Responsible Authority or any other person may apply for a review of a premises licence. Under section 52 the licensing authority before determining the application must hold a hearing. At the hearing the Licensing Sub Committee must having regard to the application and any relevant representations take such steps as it considers appropriate for the provision of the licensing objectives.
- 12.2 The Legal section considered this Report on 24 March 2022 (Iken 10871 - EBC-MW).

## **13 Risk management implications**

- 13.1 There are no risks associated with the content of this report.

## **14 Equality analysis**

- 14.1 An Equality Analysis is not constructive in this instance.

## **15 Environmental sustainability implications**

- 15.1 There are no sustainability and/or carbon reduction implications associated with this report.

## **16 Appendices**

- 16.1
- Appendix 1 - Application for Review of Premises Licence and additional evidence
  - Appendix 2 - Representation from Licensing Authority
  - Appendix 3 - Existing Licence



## **17 Background papers**

17.1 The background papers used in compiling this report were as follows:

- Section 182 Statutory Guidance to the Licensing Act 2003 available [here](#)
- Eastbourne Borough Council Licensing Statement 2019-2024 available [here](#)

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Appendix I

Zoom in (Ctrl+Plus)



Application for the review of 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, <i>(insert name of applicant)</i>	Inspector Kara Tombling; East Sussex Licensing for and on behalf of the Chief Constable of Sussex Police
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Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Best Kebab, Langney Road	
Post Town Eastbourne	Post code (if known) BN21 3EU

Name of premises licence holder or club holding club premises certificate (if known)  
 HAYDER RASUL

Number of premises licence or club premises certificate (if known)

Part 2 – Applicant details

I am, PC Daren Buck of Sussex Police licensing

Please mark X for yes

1) An interested party (please complete (A) or (B) below)	<input type="checkbox"/>
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Sussex Police  
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a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) A responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
--	-------------------------------------

3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
---	--------------------------

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please mark X for yes

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	
----	--------------------------	-----	--------------------------	------	--------------------------	----	--------------------------	-----------------------------------	--

Surname	First names
<input type="text"/>	<input type="text"/>

Please mark X for yes	
I am 18 years old or over	<input type="checkbox"/>

Current postal address if different from premises address	<input type="text"/>
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Daytime contact telephone number	<input type="text"/>
E-mail address (optional)	<input type="text"/>

(B) Details of other applicant

Name and address	<input type="text"/>
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Telephone number (if any)
Email address (if any)

(C) Details of Responsible Authority Applicant
Name and address: Kara Tombling DT479 East Sussex Licensing Inspector C/O Battle Police Station, North Trade Road, Battle, TN33 OEX
Telephone number (if any)
(Email address (if any) <a href="mailto:EastSussex.Licensing@sussex.pnn.police.uk">EastSussex.Licensing@sussex.pnn.police.uk</a>

This application to review relates to the following licensing objective(s)	
	Please mark X for yes (one or more boxes)
1) the prevention of crime and disorder	X
2) public safety	x
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review (please read guidance note 1)	

Sussex Police contend that the following licensing objectives have been seriously undermined.

- The Prevention of crime and disorder
- Public Safety

This application is submitted following several breaches of the premises licence.

Sussex Police has been monitoring this premises for an extended period of time owing to the public place violent crime and issues surrounding dispersal during the night time economy.

It has been evidenced that the premises is deliberately breaching its premises license conditions, having done so for a number of years. Despite formal warnings from both the local authority and Police, the premises continues to trade outside of its permissible hours.

Owing to the premises being in very close proximity to a high capacity, late night premises, The Best Kebab is encouraging users of the night time economy to remain in the area creating a hotspot crime location and this is resulting in public place violent crime, anti-social behaviour and is a drain on Police resources.

Please provide as much information as possible to support the application (please read guidance note 2)

**1<sup>st</sup> January 2022**

Sussex Police (PC Buck) witnessed the premises trading at 03:40am, large crowds in and around the premises.

(Appendix 1)

**5<sup>th</sup> January 2022**

Local authority, Customer First notified Sussex Police that they had issued a warning letter to Mr Rasul.

**9<sup>th</sup> January 2022**

Sussex Police (PS Evans) witnessed premises trading at 03:25am. One door was closed at 03:10 hours appearing to show them closing. However, people were still entering the shop and buying food up until 0325 hours.

(Appendix 2)

**12<sup>th</sup> January 2022**

Final Warning letter from Sussex Police hand delivered to premises in relation to breaches of premises licence.

(Appendix 3)

**23<sup>rd</sup> January 2022**

Sussex Police (PS Thomson) witnessed premises trading beyond the premises licence.

Sussex Police  
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The kebab shop was indeed open past 0300 – they made a half-hearted effort to semi-close the doors and stop letting people in at about 0310 hours, but this wasn't very effective. They continued serving food – the last customer was handed their food and ushered out at precisely 0321 hours.

(Appendix 4)

**26<sup>th</sup> January 2022**

Statement obtained from the Ass Manager of a nearby business premises stating that the premises are always open beyond 03:00 and this premises has been responsible for people not dispersing, adding to violent crime and anti-social behaviour.

(Appendix 5)

**27<sup>th</sup> January 2022**

On the 27th January 2022, PC Buck, Sussex Police Licensing was stood immediately outside the premises in full view of the two staff working within the premises.

At 03:00, the premises turned off the exterior lights but continued to allow customers in to order food until 03:35. At 03:35 I entered the premises identifying him myself as a Police licensing officer. Upon speaking with staff they were fully aware that they were required to close at 03:00 and proceeded to lie to Police stating that the customers inside the premises had been waiting for food since 03:00. When it was pointed out that they had been observed prior to 03:00, the staff apologised and stated this will not happen again and began to beg Police not to take any further action. The member of staff PC Buck spoke to was the premises licence holder, Mr HAYDER RASUL.

(Appendix 1)

Appendix 1: Statement of PC Buck (Sussex Police licensing) including premises breach 1<sup>st</sup> January 22

Appendix 2: Statement of PS Evans in relation to premises breach 9<sup>th</sup> January 22

Appendix 3: Final warning letter from Sussex Police licensing

Appendix 4: Statement of PS Thomson in relation to premises breach 23<sup>rd</sup> January 22

Appendix 5: Statement from witness

Sussex Police request that the premises licence is reviewed and the operating hours of the premises reduced from 3am to 2am. Sussex Police further request that a condition is added as follows; Door Supervisor to be employed at the premises on a Monday, Wednesday, Friday & Saturday from 21:00 to Closing.

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Please mark X for yes
Have you made an application for review relating to this premises before <input type="checkbox"/>

If yes please state the date of that application	□□ / □□ / □□□□
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If you have made representations before relating to this premises, please state what they were and when you made them



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Please mark X for yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant, please state in what capacity.

Signature (on behalf of the applicant)

Sussex Police  
Application for review of a premises licence  
07/2015



1 DT479

Kara Tombling DT479  
East Sussex Licensing Inspector

Date:  
31<sup>st</sup> Jan 2022

Capacity:  
Sussex Police East Sussex Licensing Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Your personal contact details  
PC Daren Buck  
Licensing officer Sussex police  
Hammonds Drive Police Station  
Lottbridge Road

Post town  
Eastbourne

Post code  
BN23 6PW

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

[EastSussex.licensing@sussex.pnn.police.uk](mailto:EastSussex.licensing@sussex.pnn.police.uk)

#### Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

Sussex Police  
Application for review of a premises licence  
07/2015

**RESTRICTED (when complete)****WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

Statement of: Daren Buck

Age if under 18: .....

(if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: Date 29<sup>th</sup> Jan 2022Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person, a Police licensing officer within Sussex Police licensing. I am the holder of the ABII qualification for licensing practitioners. One of my many roles is to visit and inspect premises to ensure compliance within licensing law and that the individual premises are operating within the conditions of their premises licence and ensuring they are achieving the for licensing objectives being the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. I am deemed an expert in my role within Sussex Police

This statement relates to a premises called 'The Best Kebab', Langney Road, Eastbourne, BN21 3EU which has a late night refreshment licence issued by Eastbourne Borough Council.

This premises has come to my attention following the increase in public place violent crime in the immediate vicinity of the premises and suspicions that the premises is trading beyond its permissible hours being in which it is allowed to carry out licensable activity being 23:00 to 03:00, seven days a week.

What follows is an account of the observations and actions of not only Sussex Police but also the local authority.

**1<sup>st</sup> January 2022**

Sussex Police (PC Buck) witnessed the premises trading at 03:40am, large crowds in and around the premises.

**5<sup>th</sup> January 2022**

Local authority, Customer First notified Sussex Police that they had issued a warning letter to Mr Rasul.

**9<sup>th</sup> January 2022**

Sussex Police (PS Evans) witnessed premises trading at 03:25am. One door was closed at 03:10 hours appearing to show them closing. However, people were still entering the shop and buying food up until 0325 hours.

Signature: 

Signature witnessed by: .....

MG11 5/2007

**RESTRICTED (when complete)**

**12<sup>th</sup> January 2022**

Final Warning letter from Sussex Police hand delivered to premises in relation to breaches of premises licence.

**23<sup>rd</sup> January 2022**

Sussex Police (PS Thomson) witnessed premises trading beyond the premises licence. The kebab shop was indeed open past 0300 – they made a half-hearted effort to semi-close the doors and stop letting people in at about 0310 hours, but this wasn't very effective. They continued serving food – the last customer was handed their food and ushered out at precisely 0321 hours.

On the 26<sup>th</sup> of January 2022 I spoke with the Assistant manager of a premises who stated that she was not aware that the premises was required to close at 0300 and her and her staff had regular purchased and collected food after 3am. She also stated the premises was responsible for groups hanging around in the street and had caused them issues in the past whereby her SIA door staff had been required to intervene through necessity to prevent or stop fights.

On the 27<sup>th</sup> January 2022, I was in full uniform and stood immediately outside the premises in full view of the two staff working within the premises. At 03:00, the premises turned off the exterior lights but continued to allow customers in to order food until 03:35. At 03:35 I entered the premises identifying him myself as a Police licensing officer. Upon speaking with staff they were fully aware that they were required to close at 03:00 and proceeded to lie to Police stating that the customers inside the premises had been waiting for food since 03:00. When it was pointed out that they had been observed prior to 03:00, the staff apologised and stated this will not happen again and began to beg me not to take any further action.

It is apparent that the premises staff are aware of the restrictions in relation to their operating hours and had been reminded by two formal letters to the premises yet despite the receiving of a warning letter from both Sussex Police and the local authority they continue to breach their premises licence. The actions of this premises is contributing to a significant increase in public place violent crime resulting in a drain on Police resources. It is also responsible for people not dispersing adding to the anti-social behaviour in the immediate vicinity.

It is further apparent that the premises licence holder, MR Hayder Raysul has no intention of ensuring that his premises remains compliant with the law and this is evidenced above. *IS*

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN 

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Statement of: PS EVANS EA896  
Age if under 18: OVER (if over 18 insert 'over 18') Occupation: POLICE OFFICER  
18


This statement (consisting of \_\_\_\_\_ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:  EA896 Date 30/01/2022

Tick if witness evidence is visually recorded  (supply witness details on rear)

This statement relates to the time that I was on duty and have witnessed "the best kebab" shop next to Cameo night club, operating past their 3am licensing hours.  
On SUNDAY 9<sup>TH</sup> January 2022 at 0300 hours I was on duty in uniform. I was on foot patrol outside of Cameo night club on Langley Road in Eastbourne. I was attached to operation Marble and was responsible for policing the night time economy.  
Part of my tasking was to be present outside of CAMEO at this time as it was closing time. I was also made aware that the kebab shop next to CAMEO had a licensing close time at 0300 hours. I have observed "the best kebab" shop and have witnessed them continue to have both front doors open and serving customers at 0310 hours.  
At 0310 hours they have closed one door in a way to appear that they were closing. However I have continued to observe and have witnessed customers continue to go in and out of the shop and be served food. The kebab shop has closed its doors and stopped serving at 0325 hours.  
On the night of this incident, I made notes to record the times of this on the Operation MARBLE returns form.

PS  EA896

Signature:  EA896 Signature witnessed by: \_\_\_\_\_ MG11 52007

**RESTRICTED (when complete)**



**Sussex Police**  
Serving Sussex

www.sussex.police.uk

**East Sussex Licensing Team**

12 January 2022

Mr Hayder Rasul  
13a Langney Road  
Eastbourne  
East Sussex  
BN21 3QA

**FINAL WARNING LETTER**

**LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITIES**

**THE BEST KEBAB HOUSE 14 LANGNEY ROAD**

**EASTBOURNE SUSSEX BN21 3EU**

Dear Mr Hayder Rasul

I am writing to you in your capacity as the registered premises licence holder of the above premises. The premises licence issued 15<sup>th</sup> September 2005 by Eastbourne Borough Council, authorising activities of LATE-NIGHT REFRESHMENT The activities are subject to a number of Conditions, all of which are attached to the premises licence.

The opening hours of the premises:

Mon 10:00-03:00  
Tue 10:00-03:00  
Wed 10:00-03:00  
Thu 10:00-03:00  
Fri 10:00-03:00  
Sat 10:00-03:00  
Sun 10:00-03:00

The times the licence authorizes the carrying out of activities:

**LATE NIGHT REFRESHMENT**

Mon 23:00-03:00  
Tue 23:00-03:00  
Wed 23:00-03:00  
Thu 23:00-03:00  
Fri 23:00-03:00  
Sat 23:00-03:00  
Sun 23:00-03:00

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**East Sussex Licensing Team**

Police Station, North Trade Road, Battle,  
East Sussex TN33 0EX

Sussex police are concerned about the number of reported incidents associated to your premises of UNAUTHORISED LICENSABLE ACTIVITIES- LICENSING ACT 2003

You were witnessed by Sussex police officers on **Sunday 12th December 2021 trading at 03:30 and again on Saturday 1st of January 2022 when you were witnessed trading at 04:20**. On the 05<sup>th</sup> January 2022 Trevor Moule specialist advisor night-time economy (licensing) from Eastbourne Borough Council informed you of such breaches of your license via a Warning Letter.

You are reminded of the Four licensing objectives:

**Prevention of crime and disorder, Protection of Children from Harm, Public Nuisance and Public Safety** which you are required to promote.

I must point out that as the Premises Licence Holder you are responsible for the day-to-day control of this premises. You are reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of the conditions of a premises licence. The maximum penalty on conviction is six months imprisonment and/or an unlimited fine.

Should Sussex police continue to receive further reports that this premises is in breach of your premise licence, authority will be taken to seek a review to your licence: adding conditions of SIA staff to be present at allocated opening times or if further issues relating to the premises are substantiated revoking of this premises licence may be called for.

This letter should be treated as a FINAL WARNING. Further failure to adhere to the conditions on your licence or failure to promote the licensing objectives may place the premises licence at risk. Further observations of the premises will be carried out by Sussex Police.

Yours sincerely,



Insp Tombling  
Licensing Inspector  
East Sussex Licensing Team  
Sussex Police

**Please address all future correspondence to Licensing Officer Nicola Fenner:**  
[Nicola.fenner@sussex.pnn.police.uk](mailto:Nicola.fenner@sussex.pnn.police.uk) and [EastSussex.Licensing@sussex.pnn.police.uk](mailto:EastSussex.Licensing@sussex.pnn.police.uk)

Licensing Police Staff are currently working from home, email is the preferred method of communication.

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East Sussex Licensing Team  
Police Station, North Trade Road, Battle,  
East Sussex TN33 0EX

**RESTRICTED (When Complete)****WITNESS STATEMENT**


(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

Statement #: 1 Occurrence: 47220013870 Case:

Statement of: Daniel Craig THOMSON

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant CT385

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:  CT385

Date: Saturday 29 January 2022

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am a Police Sergeant currently assigned to the East Sussex Divisional Response team based at Hammonds Drive Police Station, Eastbourne. On Saturday 22 and Sunday 23 January 2022, I was on duty, working a 2100-0700 hrs night shift as the supervisor for the officers deployed on Operation Marble, which relates to the policing of the weekend night-time economy. I was in full uniform, in company with PCs CL576 LOIZOU, CF923 FULLER and EA219 GROVE.

From around 0240 hours on Sunday 23 January, I was in Langney Road, Eastbourne with my colleagues, near to 'Cameo' nightclub. This establishment closes at 0300 hours, and as the largest nightclub in Eastbourne regularly attracts in the region of 500-600 customers. The closing of the nightclub is often associated with disorder amongst the departing customers, many of whom are intoxicated, hence the deliberate presence of my officers and myself.

On this particular evening I had been asked by the Licensing Officer, PC CB860 BUCK, to keep an eye on the 'Best Kebab' takeaway adjacent to the nightclub. I was told that this premises was also supposed to close at 0300 hours.

When the nightclub closed at 0300 hours I noted that a considerable number of their customers went immediately into the 'Best Kebab' takeaway, and a large, dense crowd of several dozen people developed inside. Although it was past 0300 hours there was no apparent desire by the proprietors to close. Intermittently, I kept coming back to 'Best Kebab', between dealing with pockets of minor disorder amongst people in the road. On each occasion I observed from directly outside; I saw food handed over the counter and payments being taken a considerable number of times.

Signature:  CT385

Signature Witnessed By: \_\_\_\_\_




At approximately 0310 hours a member of 'Best Kebab' staff partially closed the doors to the takeaway. If I recall correctly they are 'tri-fold' doors, and two of the three segments were put across the entrance; the remaining gap was wide enough for people to continue to enter and exit. While this clearly allowed the remaining customers to leave, it also allowed people to continue to enter, and they did so.

The serving of food continued in the establishment until 0321 hours; this was the time I noted that the last customer was handed their purchase, and left the shop. While I was not close enough to hear what was said, I do not recall observing any person being refused service.

I cannot help but comment that it was clear that 'Best Kebab' remained open past 0300 hours to allow them to serve the mass exodus of customers from Cameo at that time. I have no doubt that it would have been quite lucrative.

However, the fact that 'Best Kebab' remained open and serving, did mean that a significant number of people were definitely loitering in the area for longer than they would have otherwise. I have no doubt that this contributed to the volume of incidents of minor disorder in the area after Cameo had closed, and disrupted the orderly dispersal of customers from Cameo.

While there were no incidents requiring arrests on this particular night, I should note that the vicinity of Cameo and 'Best Kebab' on Langney Road is often a 'hotspot' for incidences of disorder and Public Place Violent Crime on weekend nights. In my view it is very much in the public interest for customers to disperse from the area as soon as possible after Cameo closes, as such a large number of people all leaving at once often does create a 'flashpoint'.

This statement forms part of my original notes and was made making reference to the 'Marble Returns' email I sent to PC BUCK on the night in question.  CT385

Time and Place Completed: 1210 hours, Saturday 29 January 2022, Hammonds Drive Police Station

Signature:  CT385 Signature Witnessed By: \_\_\_\_\_

SUSSEX POLICE  
RESTRICTED (when complete)

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

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Statement of: [REDACTED]

Age if under 18: 011 (if over 18 insert 'over 18') Occupation: [REDACTED]

This statement (consisting of ..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: [REDACTED] Date: 26/01/22


Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person and am the [REDACTED] at Cameo, Langway Road, Eastbourne where I have worked for the past 23 years. Cameo stops serving the public at 3am on a Friday and Saturday, on a Monday and Wednesday we also stop serving at 3am but unlike a Friday and Saturday it is a phased egress, at 3am on a Monday and Wednesday, everyone leaves at 3am as we are less busy. When we close, the kebab shop called 'The Best Kebab' is very popular with our customers as they leave after we have closed. As a premises, the staff place an order with the kebab shop about 2:30am and collect at about 3:30am. This ~~has~~<sup>has</sup> occurred for as long as I can remember. For as long as I can remember, the kebab shop has always been open beyond 3am to the public. I have personally seen issues at the kebab shop, we seen staff exit the kebab shop on occasions and start fights with people outside and our door staff have regularly intervened to stop fight escalating. As a premises, Cameo have a dispersal policy to move people along when we close but the kebab shop being open past 3am makes this very difficult so our customers hang around the kebab shop

Signature: [REDACTED] Signature witnessed by: [Signature]

PTO

Continuation of statement of: .....

both waiting for their food and after they have  
got their food. I was under the impression they  
were allowed to be open until 4am, there are  
certainly people being served almost every night we are  
open many beyond 3am. 

Signature: .....



Signature witnessed by: .....



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## Appendix 2

**Dean Love Licensing Officer**  
**Specialist Advisor Regulatory Services**  
Town Hall  
Grove Road  
Eastbourne  
East Sussex BN21 4UG

**Trevor Moule**  
**Specialist Advisor**  
**Licensing (Night-**  
**Time Economy)**

Dear Mr Love

I am writing on behalf of the Licensing Authority for Eastbourne Borough Council as a Responsible Authority under the Licensing Act 2003.

I am responding to an Application for Review of Premises Licence (Section 51 Licensing Act 2003) submitted to Eastbourne Borough Council by Sussex Police regarding Premises at The Best Kebab House 14 Langney Road Eastbourne BN21 3EU.

On 5<sup>th</sup> January 2022 I wrote to the Premises Licence Holder , Mr Hayder Rasul. I informed him that the Licensing Authority had been notified of two dates when licensable activities (Providing Late Night Refreshment) had been conducted at the premises otherwise than in accordance with the premises licence.

1. 12<sup>th</sup> December 2021- 0330 hours – providing late night refreshment
2. 1<sup>st</sup> January 2022- 0420 hours – providing late night refreshment.

The Premises Licence for this site permits the provision of late-night refreshment between 2300 hours and 0300 hours every day of the week.

No further action was taken in this matter other than the communication indicating it was a warning letter.

I support the application to review the licensable hours of this premises under the Licensing Objectives as set out below.

- **The prevention of Crime and disorder**
- **Public Safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

I have attached a copy of the letter for your information.

Regards,  
Trevor Moule  
Specialist Advisor Licensing (Night-time Economy)

Mr Hayder Rasul  
13a Langney Road  
Eastbourne  
East Sussex  
BN21 3QA

Dear Mr Rasul

**Licensing Act 2003 – Unauthorised licensable activities.  
Re: The Best Kebab House 14 Langney Road Eastbourne BN21 3EU**

I have now received information on two occasions from Sussex Police who were on patrol on Sunday 12<sup>th</sup> December 2021 when you were witnessed trading at 03:30 and again on Saturday 1<sup>st</sup> of January 2022 when you were witnessed trading at 04:20

Our records show that the conditions of your Licence permit you to provide Late Night Refreshments between the hours of 23:00 and 03:00 Monday – Sunday. You are therefore in breach of your Licence and I am issuing this letter as a warning that we reserve the right to take enforcement action against you should any further breaches be witnessed or reported.

Supply of Late Night Refreshment is a licensable activity under the Licensing Act 2003. Any hot food or hot drink served between 11pm and 5am is classed as the licensable activity of supply of Late Night Refreshment. Therefore selling hot food or drink between these times would be defined as unauthorised licensable activities.

It is an offence under Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that: -

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Please ensure Late Night Refreshment does not take place on site after 03:00 unless the proper consent has been applied for by way of a Temporary Event Notice or a permanent Premises Licence. Our [website](#) provides further information on this.

Please be aware that the Council Licensing team have enforcement officers monitoring the Town both day and night and we may monitor your premises. If you are witnessed carrying out unauthorised licensable activities again then enforcement action may be taken.

If you have any queries regarding this letter, please contact me by emailing me at [licensing@lewes-eastbourne.gov.uk](mailto:licensing@lewes-eastbourne.gov.uk).

Yours sincerely

Trevor Moule  
Specialist Advisor Night–Time Economy (Licensing)

**Part A**  
**Premises Licence 003381**

**Part 1 - Premises Details**

**POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**The Best Kebab House**  
14 Langney Road, Eastbourne, East Sussex, BN21 3EU

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Start Date: 15<sup>th</sup> September 2005

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Late Night Refreshment

**THE OPENING HOURS OF THE PREMISES:**

The Best Kebab House	Every Day 10:00-03:00
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**THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES:**

Late Night Refreshment The Best Kebab House	Every Day 23:00-03:00 Outdoors
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**WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES**

N/A

**Part 2**

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Mr Hayder Rasul  
13a Langney Road  
Eastbourne  
East Sussex  
BN21 3QA  
[REDACTED]

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

N/A

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL**

N/A

N/A

ANNEXES

**Door Supervisors**

1. Each and every door supervisor or individual concerned with a security activity at the premises must be licensed by the Security Industry Authority.

**Transferred Conditions**

Notes - Section 8, Subsection 1 and 2

1. There shall be no charge for admission, entertainment, services or any other matter, except reasonable charges for cloakroom and toilet facilities.
2. A tariff of charges made in the refreshment house shall, during the hours of late opening, be kept displayed so that it can conveniently be read by persons frequenting the refreshment house and before entering.
3. Custom shall not be sought by soliciting outside or within the premises.

**Annex 2 – Conditions consistent with the operating schedule**

**All Licensing Objectives**

None

**Prevention of Crime and Disorder**

Crime and Disorder CCTV installed. Police would be contacted for any disturbance.

**Public Safety**

Public not allowed to enter cooking areas.

**Prevention of Public Nuisance**

None

**Protection of Children from Harm**

None

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

**All Licensing Objectives**

N/A



**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 003381**

**Premises Details**

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**The Best Kebab House**  
14 Langney Road, Eastbourne, East Sussex, BN21 3EU

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Start Date: 15<sup>th</sup> September 2005

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Late Night Refreshment

**THE OPENING HOURS OF THE PREMISES:**

The Best Kebab House	Every Day 10:00-03:00
----------------------	-----------------------

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:**

Late Night Refreshment The Best Kebab House	Every Day 23:00-03:00 Outdoors
--	-----------------------------------

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES**

N/A

**NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Mr Hayder Rasul  
13a Langney Road  
Eastbourne  
East Sussex  
BN21 3QA

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

N/A

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

N/A

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

N/A