

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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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"/>
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3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
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(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)	
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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) EastSussex.Licensing@sussex.pnn.police.uk

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)

1st January 2022

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

(Appendix 1)

5th January 2022

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

9th 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)

12th January 2022

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

(Appendix 3)

23rd January 2022

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

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

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)

26th 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)

27th 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 1st January 22

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

Appendix 3: Final warning letter from Sussex Police licensing

Appendix 4: Statement of PS Thomson in relation to premises breach 23rd 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.

Please mark X for yes

Have you made an application for review relating to this premises before	<input type="checkbox"/>
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If yes please state the date of that application	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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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:
31st 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

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 29th 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.

1st January 2022

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

5th January 2022

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

9th 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)

12th January 2022

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

23rd 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 26th 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 27th 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 9TH 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 15th 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

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 05th 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 and EastSussex.Licensing@sussex.pnn.police.uk

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

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)

URN

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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} ~~has~~ 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 see staff exit the kebab shop on occasions and start fights with people outside and our door staff have regularly intervened to stop fights 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]

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 overnight we are
open every beyond 3am. 

Signature:



Signature witnessed by:

