

## 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)

**Lewes District Council**  
Southover House  
Southover Road  
Lewes  
East Sussex BN7 1AB

**Eastbourne Borough Council**  
Town Hall  
Grove Road  
Eastbourne  
East Sussex BN21 4UG

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)