## Minute Item 2



## Eastbourne Borough Council Decision Notice

## Licensing Act Sub-Committee held on Tuesday 19 September 2017

Premises Licence Holder/Designated Premises Supervisor:	Lucia Singh		
Premises:	Dominos Pizza, 1 Langney Road		
Reasons for Hearing:	Relevant representation received from interested parties under the four licensing objectives.		
Parties in attendance:	Councillors: Stephen Holt (Chairman) Colin Belsey Colin Swansborough  Licensing Authority: Murrae Hume (Specialist Adv Legal Advisor: Michele Wilkinson (Lawyer)  Democratic Services: Simon Russell (Cabinet Office Applicant: Lucia Singh  Interested Parties: Helen Hughes Adrian Ley		
Decision made:	That the application, as amended by Sussex Police following mediation, be granted in full.		
	Hours premises is open to the public		
	Monday – Thursday	10:00 hours – midnight	
	Friday – Saturday	10:00 hours – 02:30 hours	
	Sunday	10:00 hours – 01:00 hours	

Late night refreshment		
	Monday – Thursday	23:00 hours – 23:30 hours (Customers ordering on the premises)
		23:00 hours – midnight (Home delivery service)
	Friday – Saturday	23:00 hours – 02:15 hours (Customers ordering on the premises)
		23:00 hours – 03:00 hours (Home delivery service)
	Sunday	23:00 hours – 00:45 hours (Customers ordering on the premises)
		23:00 hours – 02:00 hours (Home delivery service)
	Conditions	
	<ul> <li>A minimum of two SIA registered door staff will be employed at the premises from 23:00 hours until half an hour after the premises has closed on Friday, Saturday and Sunday evening plus Bank Holidays, New Year's Eve, public holidays, at any time when a temporary event notice is in operation and if there is a large event such as Airbourne taking place in Eastbourne.</li> </ul>	
	<ul> <li>An incident book will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request. This book shall solely be used for the purpose of recording incidents.</li> </ul>	
	<ul> <li>A refusals register will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.</li> </ul>	
Reasons for Decision:	The hearing concerned a variation of the premises licence at Dominos Pizza, 1 Langney Road, Eastbourne, BN21 3QA. The applicant applied at the hearing for a variation to the licensing hours and this was detailed above.	
	In discharging its functions the Licensing Act Sub-Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the Home Office guidance and the rules of natural justice.	

Due regard was given to the written and oral representations received from Mrs Helen Hughes and Mr Adrian Ley. The Sub-Committee noted that Mrs Hughes' representation was supported by a petition, signed by 37 other local residents, including two other people making representation. Due regard was also given to the written representations of Mr Neale, Mr Patel, Ms Hall and Mrs Mafe. The representations were that increasing the licensable hours for the provision of late night refreshments would lead to problems with all four licensing objectives. The Sub-Committee noted that the premises are within the Cumulative Impact Zone and the comments made by Mr Ley in that regard. The Sub-Committee noted that no responsible authorities had made any representations although Sussex Police had mediated a number of conditions with the applicant, outlined in appendix 4 and a reduction in the licensable hours applied for. In its deliberations the Sub-Committee considered what decision was appropriate and proportionate from the option outlined in paragraph 9.2 of the report. The Sub-Committee resolved to grant the application as amended by the Police following mediation. The Sub-Committee were content that the applicant had provided sufficient evidence to demonstrate that the application to extend the licensable hours would not add to the cumulative impact in the area and undermine the licensing objectives. The Sub-Committee took into account the conditions mediated by Sussex Police, especially the provision of two Security Industry Authority (SIA) door staff and believed that the applicant had done enough to rebut the presumption of refusal arising from the premises being within the cumulative impact zone. Date of Decision: 19 September 2017 Date decision notice 27 September 2017

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

## **RIGHT OF APPEAL**

issued:

The Licensing Act 2003 under section 181 and schedule 5 provided a right of appeal to the Magistrates Court in respect of an application for a variation of a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the

notified in writing of the decision of the Licensing Act Sub-Committee.