



Public Document Pack

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Committee Manager Andrew Bishop (Ext. 37984)

21 December 2022

LICENSING SUB-COMMITTEE

A meeting of the Licensing Sub-Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF on Monday 9 January 2023 at 9.30 am** and you are requested to attend.

Members: Councillors Blanchard-Cooper, Daniells and Hamilton

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the [Committee's webpage](#).

We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms.

For further information on the items to be discussed, please contact: committees@arun.gov.uk

AGENDA

1. ELECTION OF CHAIRMAN
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

4. APPLICATION FOR PREMISES LICENCE - PROVISION OF LATE NIGHT REFRESHMENT - PERFECT PIZZA, 9 THE PARADE, WILLOWHAYNE CRESCENT, EAST PRESTON WEST SUSSEX BN16 1NS (Pages 1 - 18)

This report details an application for a Premises Licence for the provision of Late Night Refreshment for Perfect Pizza, 9 The Parade, Willowhayne Crescent, East Preston West Sussex BN16 1NS.

5. EXEMPT INFORMATION

The Committee is asked to consider passing the following resolution: -

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

6. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 (Pages 19 - 28)

To consider the attached report.

7. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 (Pages 29 - 34)

To consider the attached report.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link - [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF ARUN DISTRICT COUNCIL LICENSING SUB-COMMITTEE ON 6 JANUARY 2023

SUBJECT:

Licensing Act 2003, S17 Application for a premises licence

REPORT AUTHOR: Glenn James, Licensing Officer**DATE:** 6 December 2022**EXTN:** 37681**AREA:** DIRECTORATE Growth.**EXECUTIVE SUMMARY:**

The Authority is in receipt of an application for a premises licence, for the provision of late-night refreshment, at a premise known as Perfect Pizza, 9 The Parade, Willowhayne Crescent, East Preston West Sussex BN16 1NS.

There have been representations about the application from two local residents, Sussex Police Licensing as a responsible authority and East Preston Parish Council as a responsible authority.

RECOMMENDATIONS:

The Sub-Committee should make an evidence-based determination, justified as being appropriate for the promotion of the licensing objectives.

The Sub-Committee may only consider matters referred to in representations relevant to the four licensing objectives. These must be considered in the context of what is relevant to the application.

1. BACKGROUND:

- 1.1 This is an application for a premises licence to provide late night refreshment from the premises. See summary of application at **Appendix 1** and a map of the area showing the location of the premises at **appendix 2**
- 1.2 The application is for fast food takeaway with late night refreshment off the premises after 23.00 hours each day. The hours of opening are Sunday to Thursday 12.00 hours to 02.00 hours and Friday and Saturdays 12.00 hours to 03.00 hours.

1.3 Representations have been received from Sussex Police, which are for conditions to be attached to the licence, also representations made by two local residents and the Parish Council (**See appendices 3, 4, 5 and 6**).

1.4 The premises has been utilised as a food outlet since 2018. The current business owner is Mr Amanulla Masakhaila who took over the premises in 2021. Prior to this date the premises was run as a pizza takeaway and delivery business by a different owner, who held a premises licence for late night refreshment from 2019.

1.5 Due to a change of name of the business an application for a transfer of the licence was not received and therefore the previous licence lapsed in 2021. Mr Masakhaila failed to renew the licence and continued to operate as if the licence was valid.

2.0 RELEVANT REPRESENTATIONS

2.1 Representations have been received and accepted from members of the public:

- Mr Roy Allen, a neighbour residing in proximity to the premises, on the grounds of the Prevention of Public Nuisance and the Prevention of Crime and Disorder. (**See Appendix 3**). and;

- Ms Rogers, a neighbour residing in proximity to the premises, on the grounds of the Prevention of Public Nuisance and the Prevention of Crime and Disorder. (**See Appendix 4**).

2.2 Sussex Police, acting as a responsible authority, have made representation on the grounds of the Prevention of Crime and Disorder (**See Appendix 2**) Sussex Police have suggested several conditions, that the have been accepted by the applicant, therefore their representation has been withdrawn.

2.3 East Preston Parish Council, acting as a responsible authority, have made representations the grounds of Prevention of Public Nuisance, the Prevention of Crime and Disorder and Public Safety (**see appendix 5**).

3 OBSERVATIONS		
3.1 The Sub Committee is obliged to determine this application with a view to promoting the licensing objectives which are:		
<ul style="list-style-type: none"> • The Prevention of Crime and Disorder • The Prevention of Public Nuisance • Public Safety • The Protection of Children from Harm 		
3.2 In making its decision the Sub Committee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.		
3.3 The Sub Committee must also have regard to all relevant representations and evidence that it hears.		
4. OPTIONS:		
The Subcommittee may:		
<ul style="list-style-type: none"> a) Grant the licence as requested b) Grant the licence with appropriate and proportionate conditions c) Grant the licence but reduce the scope of the application by amending the timings d) Reject the application in full 		
5. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors	x	
Other groups/persons (please specify)	x	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6. IMPLICATIONS:

Any decision made by the Licensing Sub-Committee can be appealed to the Magistrates Court

7. REASON FOR THE DECISION: The Council has a statutory duty to determine the application.

8. BACKGROUND PAPERS: Application, map of area, representations from police, local residents and parish council

Summary of application for Perfect Pizza

Premise Details Show All

Premises Capacity :

General Description : Pizza and burger takeaway and delivery business.

Details of proposed variation:

Activities

Activity	Area	Location	Day	Standard Start	Standard End	Details
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Provision of late night refreshment

Area:

Location:

Hours:	Day	Standard Start	Standard End
	Monday	<input type="text" value="12:00"/>	<input type="text" value="02:00"/>
	Tuesday	<input type="text" value="12:00"/>	<input type="text" value="02:00"/>
	Wednesday	<input type="text" value="12:00"/>	<input type="text" value="02:00"/>
	Thursday	<input type="text" value="12:00"/>	<input type="text" value="02:00"/>
	Friday	<input type="text" value="12:00"/>	<input type="text" value="03:00"/>
	Saturday	<input type="text" value="12:00"/>	<input type="text" value="03:00"/>
	Sunday	<input type="text" value="12:00"/>	<input type="text" value="02:00"/>

Further Details: Collection until 23:00 daily and delivery only after 23:00

Seasonal Variations: N/A
Non-standard Times: N/A

Supply of Alcohol

Personal Licence Holders

Licence No	Name	Address	Licenced By	DPS	Start Date	End Date
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Concern in respect of children

N/A

Hours premises are open to the public

Hours:	Day	Standard Start	Standard End
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Monday	12:00	▼	23:00	▼
Tuesday	12:00	▼	23:00	▼
Wednesday	12:00	▼	23:00	▼
Thursday	12:00	▼	23:00	▼
Friday	12:00	▼	23:00	▼
Saturday	12:00	▼	23:00	▼
Sunday	12:00	▼	23:00	▼

Seasonal Variations: N/A

Non-standard Times: N/A

Describe the steps you intend to take to promote the four licensing objectives

General:



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Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

West Sussex Licensing Team
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Tel: 01273 404 030

WS_Licensing_WOR@sussex.pnn.police.uk

29th November 2022

The Licensing Team
Environmental Health Department
Arun District Council, Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Dear Licensing Team,

RE: APPLICATION FOR A PREMISES LICENCE FOR PERFECT PIZZA, 9 THE PARADE, WILLOWHAYNE CRESCENT, PRESTON, LITTLEHAMPTON, WEST SUSSEX, BN16 1NS. YOUR REFERENCE NO. 117273 UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this new application on the grounds of the prevention of crime and disorder.

This is a new application for late night refreshment 12:00 to 02:00 the following morning, seven days a week.

We have emailed to applicant Mr Masakhaila requesting his agreement to the following new and revised conditions:

The prevention of crime and disorder:

The premises will only supply food and drink for collection by customers until 23:00 each night. At 23:00 each night the front door will be locked with a "CLOSED" sign on the door. Thereafter all supplies of food and drink will be via a delivery service only from the rear of the premises. Delivery will be made to residential and business addresses only.

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises and any outside seating area. The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

CCTV footage will be stored for a minimum of 31 days

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. The time will be amended promptly when British Summer Time starts and ends.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police immediately (with a receipt/acknowledgement being obtained and retained from Police Licensing for the notification) & remedied as soon as practicable.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

The premises management will ensure that all delivery drivers either directly employed or via an agent or sub contractor will behave appropriately whilst attending the premises to collect deliveries and will park vehicles legally and not on pavements or double yellow lines whilst waiting for and collecting deliveries, and will not ride vehicles on pavements.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority.

However to date we have not received any reply from him. As the deadline for representations is now seven days away, we are submitting our representation in respect of this application, and request that the above new and revised conditions are added to the new licence, should it be granted in due course.

Yours sincerely,

Inspector David Derrick CD295
West Sussex Licensing Inspector
Sussex Police

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Representation from Mr Allen

Application for a Premises Licence under the Licensing Act 2003 by Mr Amanulla Masakhaila of Perfect Pizza

Objection: I object to the granting of licence application 117273 to Amanulla Masakhaila of Perfect Pizza.

License number 113344 was issued on 11-08-2020, it lapsed at the end of 2021, the new license application 117273 is similar to application 113344, but the end hours on Sunday to Thursday have been extended from 01:00 to 02:00.

I object to East Preston Perfect Pizza being open beyond 00:00. The premises are located in the southern part of Willowhayne Crescent. The distance from my front door to the entrance to East Preston Perfect Pizza is 17.5 metres.

Public Nuisance: Beyond 00:00 the movement of vehicles and people (both customers and delivery drivers) causes a Public Nuisance. From the time we moved to East Preston in 2018 until 26 October 2022 Perfect Pizza has been making deliveries and serving customers from the front of the premises after 00:00, sometimes until 03:00.

The previous licence (113344) was issued on 11 August 2020, the specifics stated: The premises licence holder will ensure that the premises is closed to the public with the front door locked shut and displaying a CLOSED sign from 00:00, and all customers off the premises by 00:00.

After 00:00, until the end of licensable activities, all hot food and drink will be provided via a delivery service only . . . 1 The premises licence holder will ensure the front of house lights and any signage lights are switched off at 00:00 daily. 2 Any deliveries from 00:00 will be run via the use of the back door of the premises. A Any delivery vehicle will operate solely from the back of the premises from 00:00 hours.

None of these specifics were complied with when Perfect Pizza were licensed, the Public Nuisance continued.

Disorder: There have been several incidents involving Perfect Pizza:

On Thursday 29 April 2021 at 10:48 a motorcycle with a driver and passenger drove along Willowhayne Crescent and stopped beside a Mercedes car used by Perfect Pizza staff. The driver got off the motorbike and attacked the car with a baseball bat. The motorcycle then drove off. The police were called and a police officer viewed my CCTV of the incident. He said that the car owner would give him no information.

On Sunday 15 May 2022 at 23:58 a person came out of Perfect Pizza and communicated with someone (unseen) above the premises. At 00:12 a person fell headfirst from above Perfect Pizza onto the pavement. He eventually got up and talked to a man who arrived by car and parked outside Perfect Pizza. I reported this to South East Regional Policing reference CIT396948 and uploaded CCTV as requested.

On Thursday 10 November 2022 I photographed the premises licence application displayed in the window of Perfect Pizza. Later, at 17:12, a man came across from Perfect Pizza to talk to me. He told me that his boss from Perfect Pizza had told him to tell me that I must not photograph the application. He also said "It is not your business, it is the Council's job." I found the man's attitude threatening and intimidating. He appeared to be telling me not to object to the new license application. I have reported the incident to Sussex Police via the Single Online Home reporting service, reference TAA-73851-22-4747-00, crime reference 47220212164.

I do not believe that license 117273 should be awarded to Amanulla Masakhaila of Perfect Pizza.

Roy Allen

(Address redacted, in the District)

Friday 25 November 2022

Application for a Premises Licence under the Licensing Act 2003 by Mr Amanulla Masakhaila of Perfect Pizza

Objection

I object to the granting of licence application 117273 to Amanulla Masakhaila of Perfect Pizza.

I have lived here for 7 years and knew this premises as a kebab shop before Perfect Pizza moved in. I never had any of these issues before Perfect Pizza. I enjoyed living at my HOME but since Perfect Pizza moved in it has been a nightmare.

Due to the fact my property is 20 yards from front door to front door I am really opposed to this being given an extended licence for the following reasons:

Public Nuisance

From the premises playing loud music with doors open, delivery cars shouting to each other and banging car doors till 3am sometimes 3:30 am. Patrons pick up food and sit in the car park adjacent to my fence playing loud music while they eat there food in the car, then throw food and the boxes from window which is a rodent issue as well.

Litter

Nearly every weekend I find myself cleaning up the Village Green as pizza boxes are thrown on the Village Green and the bins are over flowing with huge pizza boxes also boxes of partially eaten food. There are drinks bottles on the road as people eat in the car and throw the rubbish from car windows. This is down to the late night customers who have no care for the environment and don't live here, they don't care they just drive away.

Parking

Willowhayne Crescent is blocked with cars parked up on pavements. Cars parking double yellow lines blocking access to my drive in and out. They also double park in the middle of the road (without lights as night) and block the road. They abuse my visitors who are dropping me shopping or other things. When pubs let out they go for a pizza at 12:30 am then proceed to the green to eat it and stay till 2am making very loud noises and shouting, some cars have music on in cars so its Impossible to sleep with a window open at my property.

Crime and Disorder

Large gangs hang around the premises fighting and shouting.

When I ask Perfect Pizza staff to move I get abused and intimidated.

I feel Intimidated and have been verbally threatened on a weekly basis. I am a disabled lady who lives alone and needs access to my property which is why I bought a property with off street parking.

Conclusion

I don't understand why only ONE Objection was allowed when over 10 people objected to licence 113344. Why, given the proximity of my home to these premises was I was one of the people rejected?

On the previous hearing they were give a Licence to remain open till 3am but operations were to be from the rear of the premises. This was never the case and I have continued to complain to no avail.

Since 27 October 2022 Perfect Pizza have closed at 11:00pm and we have had a peaceful life.

They have now applied again and I feel we will be subjected to the same Public Nuisance that we have endured for over four years. I ask that this Late Licence is withheld as this is of no benefit to the local community but only damages our quality of life and takes away our enjoyment of our property.

Wednesday, 30 November 2022

Karen Rogers
(Address redacted, in the District)



EAST PRESTON PARISH COUNCIL

Licensing Department
Arun District Council
by email

Council Office
122 Sea Road
East Preston
West Sussex
BN16 1NN

Tel: 01903 770050
E-mail: eparishcouncil@btconnect.com
Website: eastpreston-pc.gov.uk

5th December 2022

Dear Licensing,

Re: Licensing Application 117273 – Perfect Pizza, Willowhayne Crescent, East Preston

This council's Planning & Licensing Committee considered this Application at its meeting on Monday, 28th November, and agreed to raise the following objections to this Application. This is covered by Minute 997/22 of that meeting.

This council feels its objections fall into the following three of the four permitted categories: **Prevention of Crime and Disorder; Public Safety;** and **Prevention of Public Nuisance.**

This premises is currently of interest to Sussex Police. We do not believe there has been any change of personnel from the most recent licence to the current application. Over the past couple of years there have been a number of allegations of possibly illegal activity at these premises reported to Sussex Police and to Arun District Council's anti-social behaviour team and Licensing department.

From what we have been told, we understand these possible illegal activities generally originate from within the premises, rarely is any possible illegal activity originate with someone not connected to the business in some way. Arun District Council will already be aware of how the business has been operating without a licence and reportedly serving walk-in customers well past the times of the expired licence which is no longer visible on the ADC website; deliveries have been taking place well beyond the licenced times too.

We have received reports of verbal abuse and threatening and intimidating behaviour being aimed mainly at local women of all ages. Such behaviour is never acceptable.

(cont'd overleaf)

The situation is worsened by the apparent unwillingness of those connected with the business to cooperate with Sussex Police or Arun District Council. For example, when a vehicle related to the business was attacked in the middle of the morning by two guys on a motorbike using a baseball bat, in front of several witnesses at a nearby café, the owner of the vehicle refused to talk to the investigating police officer.

The rest of the night-time economy in East Preston ceases at midnight at the very latest. Although this premises is in a parade of businesses, all but one of them are daytime and all are surrounded front, back and above by residential properties. This is not a suitable location for a business which has created public nuisance beyond midnight in the recent past, public nuisance already reported to Sussex Police and Arun District Council through several channels. Even use of the back door of the premises will have a negative impact upon the residents of the flats above the premises, and homes in the immediate vicinity of the premises.

For these reasons, we ask Arun District Council to consider very carefully whether or not it is right to grant this licence. Please bear in mind, we have only very limited experience of responding to Licensing Applications, so if there is anything above you need us to clarify, please just ask.

Yours sincerely,



Simon Cross – **Clerk to the Council**

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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