

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