

# ARUN DISTRICT COUNCIL

## LICENSING SUBCOMMITTEE 26 JUNE 2020

### PART A : REPORT

**SUBJECT:** Application for a Premises Licence – Provision of Late-Night Refreshment.

**REPORT AUTHOR:** Andrew Burrows, Licensing Officer

**DATE:** 11 March 2020

**EXTN:** 37749

**PORTFOLIO AREA:** Place

**EXECUTIVE SUMMARY:** The Authority is in receipt of an application for a premises licence – provision of late-night refreshment, for East Preston Perfect Pizza Ltd, 9 The Parade, Willowhayne Crescent, East Preston, West Sussex, BN16 1NS.

There have been several representations regarding this application. One representation from a member of the public was considered relevant and Sussex Police Licensing, as a Responsible Authority, have also made representations.

#### **RECOMMENDATIONS:**

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

Only matters referred to in representations, relevant to the four licensing objectives, may be considered. They must be considered in the context of what is relevant to the application.

#### **1. BACKGROUND:**

##### **1.0 Introduction**

1.1 This is an application for a premises licence to provide late night refreshment from their premises. (**See Appendix 1**). A plan is attached (**See Appendix 2**)

1.2 The hours requested are:

Day	Standard Start	Standard End
Monday	23:00	01:00
Tuesday	23:00	01:00
Wednesday	23:00	01:00
Thursday	23:00	01:00
Friday	23:00	03:00
Saturday	23:00	03:00
Sunday	23:00	01:00

- 1.3 The application is for late night refreshment both on and off the premises. On the premises up to 00:00 hours and delivery only after 00:00 hours.
- 1.4 A licence is required to provide late night refreshment between 23:00 hours and 05:00 hours.
- 1.5 Representations are attached to this paper as **appendices 3 and 4**.
- 1.6 East Preston Perfect Pizza Ltd is a pizza and burger fast food outlet situated at 9 The Parade, Willowhayne Crescent, East Preston, West Sussex, BN16 1NS.
- 1.7 The sole director for the company is Mr Norajan URIAKHEIL who is listed as the manager of the business.
- 1.8 The company has been operating from the premises since September 2019 and the premises has been utilised as a food outlet since 2018. This is the first premises licence application made for the premises.
- 1.9 In early January 2020 advice was received that the premises were operating after 23:00 hours without authorisation. On this occasion, the applicant Mr Uriakheil was advised that the premises were required to be licensed to operate after 23:00 hours and provided advice on how to make an application. The application subject to this hearing was received on the 16<sup>th</sup> January 2020.
- 1.10 Advice that the applicant was continuing to trade after permitted hours was noted within the representation submitted by Mr Allen. On this occasion the management of the business was warned that any further breach of the Licensing Act would result in enforcement action being taken. (**See Appendix 3**)
- 1.11 **Policy Considerations**

The Subcommittee are referred to Item 4 of the Main Principles of the Arun District Council Licensing Policy:

- 4.1 Whilst the Guidance issued under S182 of the Act makes it clear that the promotion of the licensing objectives is of paramount importance, the Licensing Authority identifies other key aims and principles which should be achieved. The main principles of the Policy are:

- To give licensing authorities and police powers they need to effectively manage the night-time economy and act against those premises causing problems;
- To recognise the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible operators of premises;
- To provide a regulatory framework for alcohol and entertainments and late-night refreshment which reflects the needs of local communities and empowers the Authority to make and enforce decisions about the most appropriate licensing strategies for their local area;
- To encourage greater community involvement in licensing decisions and ensuring local residents are given a proper opportunity to have their say regarding licensing decisions that may affect them;
- To promote public health;
- To protect the public including local residents from crime, anti-social behaviour and noise nuisance associated with licensed premises.

## **2. 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;

2.2 Sussex Police, acting as a responsible authority, have made representation on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. **(See Appendix 4)**

2.3 Sussex Police have suggested several conditions, that if accepted by the applicant, would result in their representation being withdrawn.

## **3. OPTIONS**

The subcommittee may:

- 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.

**Any party to the proceedings has a right of appeal to the Magistrates Court.**

<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		
Relevant District Ward Councillors		
Other groups/persons (please specify) <b>As per Licensing Act Requirements</b>	✓	
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>		
Financial		x
Legal	✓	
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
<b>6. IMPLICATIONS:</b> The applicant has a right of appeal to a Magistrates' Court		

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

**8. BACKGROUND PAPERS:** None