




Brighton & Hove
City Council

Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	9 October 2018
Time:	10.00am
Venue	Room G90, Hove Town Hall - Room G90, Hove Town Hall
Members:	Councillors: Cattell, Deane and Marsh
Contact:	Gregory Weaver Democratic Services Officer 01273 29-1214 greg.weaver@brighton-hove.gov.uk

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AGENDA

45 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

46 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

47 ADJOURNMENT FOR SEVEN CELLARS HEARING

48 YUMMY TANDOORI LICENSING PANEL (LICENSING ACT 2003)

5 - 38

Contact Officer: Dean Love
Ward Affected: Hangleton & Knoll

Tel: 01273 295347

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

NOTES: *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chair reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.

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For further details and general enquiries about this meeting contact Greg Weaver, (01273 29-1214, email greg.weaver@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 1 October 2018

**LICENSING PANEL
(LICENSING ACT 2003
FUNCTIONS)**

Agenda Item 47

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Yummy Tandoori 88 Elm Drive Hove BN3 7JL		
Applicant:	Shirin Abdulrahman		
Date of Meeting:	9 October 2018		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Emma Bullen	Tel: (01273) 292381
	Email:	emma.bullen@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	Hangleton And Knoll		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Yummy Tandoori.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Yummy Tandoori.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes longer opening hours for Late Night Refreshment but only for delivery, no collection.
- 3.2 Part M (operating schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B

3.3 Summary table of proposed activities

	Proposed
L) Late Night Refreshment	Every Day 23:00 to 02:00 Off premises - deliveries only (Amended from Monday – Thursday 23:00 to 02:00 Friday – Saturday 23:00 to 04:00 during Consultation period)

3.4 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

3.5 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.6 11 representations were received. They were received from local residents.

3.7 Representations received had concerns relating to Prevention of Crime and Disorder and Prevention of Public Nuisance.

3.8 Supporting documentation received from the applicant is attached at Appendix C.

3.9 Full details of the representations are attached at Appendix D. A map of the location of the premises and showing those representations within the locality is at Appendix E.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other

persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 The licensing objectives are: -

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

1.3 Scope

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for

violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	Cumulative Impact Area	Special Stress Area	Marina	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
Café bar	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)	Yes	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit

- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, member's clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

4 Prevention of Crime and Disorder

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the

designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.3 Care, control and supervision of premises

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours' restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

6 Prevention of Public Nuisance

- 6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.
- 6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).
- 6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

8 Integration of Strategies

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
 - Liaising and consulting with Public and Alcohol Programme Board
 - Liaising and consulting with the East Sussex Fire & Rescue Service
 - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
 - Liaising and consulting with the Planning authority
 - Liaising and consulting with the Highways authority
 - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
 - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 18/09/18

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 19/09/18

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part M (operating schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Supporting Documentation
4. Appendix D – Representations
5. Appendix E – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 3rd edition. Public Health Intelligence. October 2017

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

APPENDIX A

- The prevention of public nuisance:

we are not going to play any music or TV shows in the shop at all, there is no sound system installed or any other devices with noise sounds. Also, the door will be totally closed after 11:00 pm so no customers will be in the shop after that time. Because of the closed doors after 11:00 pm no noise nor any other sounds will be heard. We respect our neighbours since we opened the shop and there are no nuisance complaints since.

- Public safety:

we conducted the possibility of danger by having two fire exits one at the front and one at the back. We have fire distinguish cylinders and strong polycarbonate glasses installed. The staff is well trained in the case of fire and they also are trained to deal with any other risks

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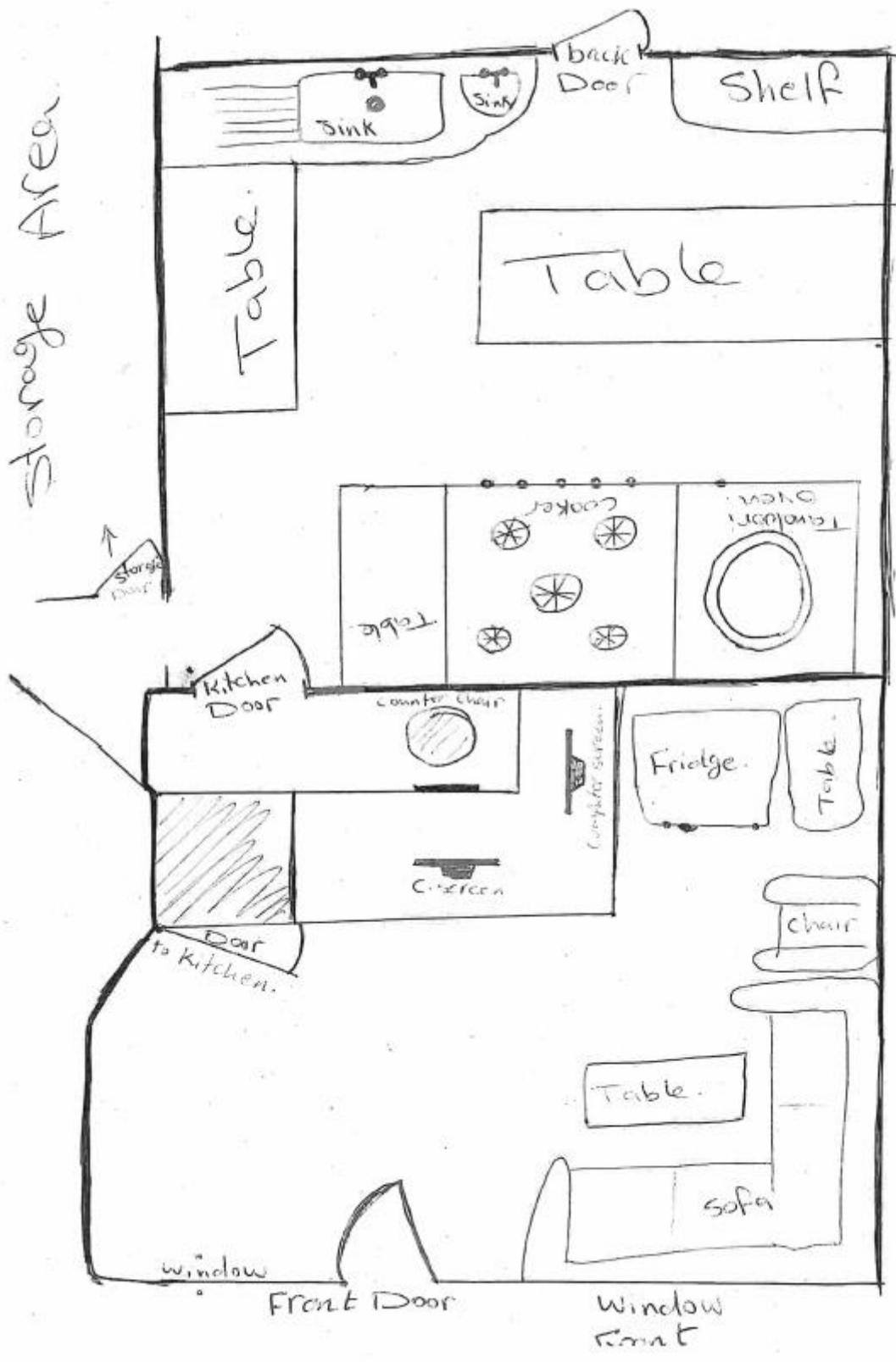
- The protection of children from harm :

we strictly not allow children to enter the kitchen or the staff only area for any reason . No customers will be in the shop at all for any reason after 11:00 pm. We don't display or show any kind of films or adult photos. We inform our customers to not leave children unattended in the shop area . We don't sell any alcohol or toxic products.

- The prevention of crime and disorder :

We operating cameras system 24 /7. The front door will be closed at 11:00 pm so no people will be permitted to enter at any time after that time. No values or money will kept in the shop at night after 11:00 pm. We don't deal with any alcohol related products or items at all. Sussex police will be contacted in case of any problem and the camera footage will be handed in request.

APPENDIX B



APPENDIX C

-----Original Message-----

From: Kashi Raza

Sent: 11 September 2018 11:25

To: EHL Safety

Subject:

Ref licence application: licence 1445/2018/05072/LAPREN

Shirin AbdulRahman

88 elm drive

Hove

Bn3 7jl

Dear sir or madam

Letter in response to objection and obligations we have received.

Thank you for forwarding us the obligation made by Lauren leader on the extension of licence application.

We have taken all the measure how we will operate it is obvious by reading what problems Mrs Laura has described. I'm writing in response to her obligation and further to clear how we will operate.

Mrs Laura has mentioned to her understanding we will be delivering alcohol and will have delivery service until 4am and she has extreme concern about this.

Yummy tandoori. We would like to make it clear that we will not be selling any alcoholic or any dangerous substance and the shop will only deliver the food until 2am not 4am 7 days a week. We believe it is not a big issue as it's being made by the obligator.

Mrs Laura has mentioned this is a reasonably quiet area with only 1 shop open with majority of people are families with school kids and elderly. And believe it will not add any benefit to the local area.

Yummy tandoori. We believe it's not only in the benefit of Mrs Laura if she will not benefit that does not state anyone else in the area would. We had advertised in the news paper and post sign on the street and have not received any other obligation other than Miss Laura clearly. If other member of the Elm Drive and Rowen Avenue resident had issue they would make obligation against the licence extension. We have asked the local community before applying for extension and many of them said it's a great idea and they need 1 around the area. Just because Mrs Laura doesn't benefit from it doesn't mean other won't either.

Mrs Laura mentioned prevention of crime and disorder. She seems to think people a kebab shop has different clientele than Indian food and people and it will encourage loitering and vandalism which is a growing issue already.

Yummy tandoori. We have taken this into account and have been doing business in the area for over a year already. I think she's desperately trying for us to not have the licence for example in her earlier statement she mentioned "its a quite residential area with professionals and elderly living in the area" then all of sudden there is going to be loitering and vandalism will be being caused just because a kebab shop I would like the council to consider this by themselves. In this prade there is only 3 shops and collection stops at around 8pm after dinner but there is a big demand for delivery around the area 'hangleton, mile oak, fishergate, portslade, Southwick, hove, surely people won't be traveling all the way to elm drive to collect kebab at 1am in the morning?

Mrs Laura also mentioned that people might not realise and come to an area specifically to get a kebab on there way home from pub and this will cause and will increase violence and crime and WE ARE KEEN TO AVOID.

Yummy tandoori. We would like to make it clear and would like her to understand that how we are going to oprate as a business and the location of the shop pluse people around us we do think of everyone PLEASE UNDERSTAND AND CONSIDER THIS CAREFULLY we will mention on our menu that collection close at 11pm means the shop door will SHUT at 11 pm and light will go off with curtain being put on shop window to avoide people thinking the shop is still open. I hope this explain even to a drunk people that shop is shut.

Now public safety.

Mrs Laura mentioned the shop is located at top of the green and delivery vehicle only has to pull out into elm drive and believe that cars drive to fast as it is and believe there will be an extra traffic from 11 till 2 am accident and near miss has been reported and people driving at 60mph witch is endangering public safety.

Yummy tandoori. We understand that but it does not make a difference weather cars are being driven at 1 am or 6 pm it does not change the layout of the road at 6 pm and becomes dangerous at 1 am so if council can improve the road that would benefit all of us but it does not affect us and we have no complaint against it. I believe that Mrs Laura is over egssesgurating people driving over 60mph I think people drive more reasonable on this road then main roads.

Mrs Laura also mentioned that over the green into short cut path leads to knoll park and back to graveyard and then leads to old Shorham road and have noticed moped being used by deliveroo used as short cut through for delivery and is dangerous for accident late night dog walkers and people have already came face to face with moped being used illegly and it could easily result in an accident a person being injured.

Yummy tandoori. We want to make it clear that our shop does not use moped. It would be such a stupid way to deliver food at 1 am while people are sleep we want Mrs Laura to understand that we are profesnal and understanding people that cares for nighbour not in only public safety and noisness but also environmently and friendliness. We have never came

across and it is a matter for police to investigate people using any way as short cut perhaps suggest installing CCTV to stop this happening as it's unacceptable.

Prevention of public nuisance

Mrs Laura also mentioned that the increase in delivery vehicle or mopeds make a large amount of noise. Racing engine and slamming doors moped whizzing. We are not a student it is unlikely we would use this service but we will be the one to bear the noise. bin emptying and smell of cooking until late night.

Yummy tandoori. We do not use moped and we will only have 1 driver and with today's modern technology noise can be avoided by using Toyota PREVIOUS as it's economical and does not have a high sound of engine revving and really quite. The shop will be closed and we have canopy with through the smell out of food smoke. Just because Mrs Laura in particular won't use this service does not mean others won't. As no one else put an obligation and we have asked the local community before applying for licence.

We would appreciate if Mrs Laura consider this and give us the chance to carry on leaving us to serve the rest of the community and we respect her values comfort and effort in raising issue.

Kind regards

-----Original Message-----

From: Kashi Raza

Sent: 11 September 2018 11:32

To: EHL Safety

Subject:

Shirin abdulrahman

88 elm drive

Hove

Bn3 7jl

To council dear sir or madam

We understand the obligation and have explained to Mrs Laura how we will operate. Please make the true judgement how it will work. Mrs Laura did not asked how we will oprate but rather submitted a complaint against issuing a licence without the knowledge how it will work. I'm sure you have issued license to shop in the past. and more profesnal in understanding this sort of sinnario. We know people have concern about nuisance but there is way of doing this and better planning. Mrs Laura seems to enjoy making complaint about road layout the knoll park the kebab shop ect. There is a big demand for food delivery at night in the area we have mentioned we are happy for you to set conditions on issuing the licence in any way you feel even the sussex police have said it's safe to deliver untill 2pm. Please consider this carefully as it's a matter of business establishing and serving the community we trust your judgement.

Kind regards

APPENDIX D

From: Laura Leader

Sent: 06 September 2018 16:17

To: Sarah Cornell EHL Safety

Subject: Resubmission against Yummy Tandoori extension to license.

EB CON ENDS 12.09.18 VALID PCD & PNN (A)

Ref license application: Licence - 1445/3/2018/05072/LAPREN

I am writing to you to make a representation against the license for Yummy Tandoori, 88 Elm Drive, Hove, BN3 7LS. I believe they have recently converted the front of this Indian takeaway to a kebab shop (which is opening imminently). My full name is Laura Leader and I live <address redacted>.

My understanding is that they wish to extend their license under the above application, to sell alcohol / LNR and provide a delivery service until 02.00-04.00 am. As a very local resident I wish to express my extreme concern about this and register a formal representation against this being granted.

Firstly, please let me state that this area is a reasonably quiet residential area, with only one shop which is open to 10.30/11.00pm. So after this time there is reduction of traffic in this area and associated noise. The majority of the properties in and around this area are families with school age children or younger, elderly people and professional people, many of whom commute. In this whole section of Elm Drive and Rowan Avenue there is only 1 rental property. The rest are owned by the demographics stated above.

I believe that any extension to any license has to effect on (positively or negatively) the licensing objectives. I believe that this introduction in Yummy Tandoori will add nothing to the local area, only cause issues and benefits no one in the local area. I have stated my reasons for this below.

Licensing objectives:

*Prevention of crime and disorder – A kebab shop has a very different clientele to an Indian Takeaway. As residents we are concerned that even by adding this element to his existing license will cause more people to congregate on the green outside the premises, and encourage loitering and vandalism – all of which have been growing issues in this area.

We are concerned that even if the shop is only wishing to do deliveries after 11pm, people might not realise and come to the area specifically to get a kebab on their way home from the pub. This will cause an influx of people under the influence of alcohol, who would not usually come to this area walking this way home on the off chance they can get a kebab. An influx of non-local residents may well cause an increase of violence and crime – all of which we are very keen to avoid. We have had issues in the past with people loitering outside the shop and throwing litter on the green and damaging vehicles. So we would not want this to increase in any way, shape or form.

Public safety- The shop is currently located on the top side of the green. The only way out of this area once you are outside the shop (which is where their current delivery vehicles are) by car is to drive past the adjoining shop (old Autotool) and pull out into Elm Drive. We as local residents have already raised concerns with local councillors – Dawn Barnett and Tony Janio, as this is a blind pull out. Cars drive too fast down Elm Drive as it is and when vehicles are parked on the road at night up Elm Drive it is impossible to see oncoming traffic at this junction. If there are increased deliveries going out from 11-2 am then there will be an increase of traffic using this already dangerous accident spot. Accidents have been reported as a result of this road layout already and near misses are a near daily occurrence. We have had incidents of joy riding this summer in Elm Drive with people driving at 60mph+ down this road and passing this junction. I dread to think what would happen if more traffic were to be using this pull out, meaning they would effectively pull out into people speeding down to Elm Drive. I feel an increase in accidents is an inevitability, which as well as endangering public safety will cause a huge amount of disturbance to local residents.

Opposite the green there is a short cut through path that leads to Knoll Park and the back of the graveyard. This path connects onto the road in and out of the cemetery, which in turn leads down to the Old Shoreham Road. Over the last few years with the advent of Deliveroo etc, this alleyway is increasingly used as a short cut, through for delivery drivers on mopeds. As such, extended deliveries at Yummy Tandoori may well cause an increase of people using this path incorrectly on mopeds. People use this path to walk back and for the to the Old Shoreham Road and late night dog walkers have already come face to face with mopeds using this path illegally. This could easily result in an accident and a person being injured.

Prevention of public nuisance – I am sure you can understand that in an area dominated by families, older people and professional commuters it is not going to be any of us dialling for a kebab at 1.00am. The increase in delivery vehicles or mopeds will make a large amount of noise at what is a peaceful time of night. We will have to contend with people revving engines, and slamming doors, and mopeds whizzing past. For people with young children or commutes with 5 am starts, to have this at 2.00 am on Tuesday in a peaceful residential area is wholly unacceptable. We are not an area with students, or an area with a large demographic of young professionals and so it is very unlikely that local residents would use this service. But we will be the ones to bear the noise, and smell and antisocial behaviour. It will be us who will be subjected to noise of deliveries, bin emptying, and smells of cooking until the early morning for no benefit. We can already smell the Indian takeaway until 11 pm, which we accept as it was an established business when we bought the property. I think cooking smells of kebabs and Indian food until the wee hours will cause a problem for people throughout the course of the year.

I have to be honest at present we do hear noise from the takeaway. Be it people slamming car doors, starting engines, or sitting with engines idling. I can only imagine this will continue, and to do this, until 2am 7 days a week is going to have a detrimental impact on the local residents.

I already feel that the addition of this shop is going to take more away from us than it will add. People rarely eat Indian takeaways outside with their mates at 9.00pm at night. Whereas a kebab is more of an impulse purchase and so we are already concerned we will face an increase of antisocial behaviour and littering as it is. For this to now potentially, also include an increase in traffic, an increase in traffic noise, an increase in potential accidents on Elm Drive & down the alley way to the cemetery, and an increase in cooking smells and noise is simply too much for the residents of this area. I ask the council to not allow this extension to go ahead.

I also appreciate that as the applicant may not understand the day to day elements of the road layouts / busy traffic / people using the cut through and so they may not be aware of the detrimental effect this will have on the local area.

From: Janine

Sent: 07 September 2018 21:42

To: EHL Safety

Subject: Representation

EB CON ENDS 12.09.18 VALID PPN (B)

I Janine Norris

<address redacted>

Do not want

Yummy Tandoori

Shirin Abdulrahman

88 Elm Drive

Hove

BN3 7JL

Licence - 1445/3/2018/05072/LAPREN

I do not agree with their application to extend their trading hours beyond their current trading hours of 11.00pm

This is a very close residential area and the disruption to the close neighbours would be too much. There are many young families opposite to the shop & this would cause disruption to their sleep.

Excessive motorbikes/vehicles using the road more often going back and forward picking up orders this will also cause noise of the motorbike engines & banging of the storage boxes on the back.

Doors being repeatedly opened & closed.

Continuous cooking smells throughout the night.

People talking outside premises or multiple delivery vehicles gathering outside.

All of this until 2.00am or 4.00am

This is just too much for such a quiet residential area that is very quiet & rarely any people or vehicles in the evening.

I am not opposed to people having a trade & I support the small businesses but under normal & sociable trading hours that do not disturb people's sleeping patterns.

From: Kate Evans

Sent: 08 September 2018 13:31

To: EHL Safety Subject: Licence application - 1445/3/2018/05072/LAPREN

EB CON ENDS 12.09.18 VALID PPN (C)

Dear Sir / Madam,

I'm writing to express my concern regarding application 1445/3/2018/05072/LAPREN by Shirin Abdulrahman of 88 Elm Drive, Hove, BN3 7JL, trading as Yummy Tandoori.

My concerns are as follows:

Firstly, I am concerned that during the proposed extended trading hours, Yummy Tandoori would predominantly attract customers leaving pubs and bars.

I think that, even if their hours are being extended just for delivery purposes, customers would frequently end up collecting their orders on their way home. This would mean that people could end up hanging about in front of the shop, drunk.

It's also likely that once their orders are ready, customers could well end up sitting on the grassy area in front of the shop to eat. The outcome of this would be that it would become noisy, there is more likelihood of public disorder (fights, loitering & vandalism due to drunk people) and people leaving rubbish behind and littering in the vicinity.

Secondly, I feel that deliveries would also raise noise levels during these times with car doors slamming etc. Even more so if third party delivery services such as Deliveroo were involved, driving noisy scooters up and down the road in the middle of the night.

I fully accept that Yummy Tandoori operates during it's current hours - after all there has been a curry house at that address since we moved here several years ago - I would not be happy if an extended license at that address lead to an increase in noise, rubbish, and other disturbances.

Ultimately, we moved to this area from a more central Brighton location specifically to live in this quiet residential location. We have three young children who need their sleep and I would find an increase in noise after 11pm unacceptable.

Please feel free to contact me if you need any further information,

yours sincerely,

Kate Evans

<address redacted>

From: Olivia Mouné

Sent: 10 September 2018 01:39

To: EHL Safety Subject: Licence - 1445/3/2018/05072/LAPREN

EB CON ENDS 12.09.18 VALID PPN (D)

I understand that the take away at 88 Elm Drive has applied for a license to extend it's trading hours beyond 11pm to allow deliveries until 2am.

This presumably means the kitchen would be running until that time also and any deliveries that are being made would involve a vehicle or moped driving to and from the premises until 2 am on a daily basis.

I live <address redacted> and am concerned that these extended hours are not suitable for this location as it is a residential neighbourhood not appropriate for late night services of any kind.

The extension of the licensing hours would mean repeated regular traffic noise late into the night, doors opening/closing, engines starting/running on a continuous basis between 11pm and 2am , possibly later. This would disturb our sleep and create an antisocial situation within an almost entirely residential street, during hours when most working people / school age children , are asleep!

I fully support small local businesses and I do not want to hamper a hardworking enterprise, however I do object to this late night license in an area that is not appropriate for it and when it will add traffic to a dangerous blind junction late at night, when all of the surrounding residents should be able to expect minimal traffic and minimal night time movement and disturbance. It is a suburban road and parade of shops, NOT a central or main road location.

Although the license is for delivery only, it will inevitably lead to extended hours of illumination and activity on the premises, until closing, which will encourage more customers to simply turn up during the extended hours. This would be a highly undesirable outcome in terms of road safety and noise nuisance. The junction is notoriously blind and dangerous and to encourage any more vehicular journeys to issue from it, late at night, would be irresponsible and unwise. The imposition on the local residents to have to absorb a lengthy extension of late night traffic to this area is unacceptable in terms of public health and safety. I would urge the local authority to deny the right to extend the license at this time.

Yours faithfully,

Olivia Emery

From: Laura Cordell

Sent: 10 September 2018 09:10

To: EHL Safety Williams, Gareth LNG-LON

Subject: RE Application I445/3/2018/05072/LAPREN

EB CON ENDS 12.09.18 VALID PPN (E)

RE Application I445/3/2018/05072/LAPREN

Trading name: Yummy Tandoori

Applicant name: Shirin Abdulrahman

Address: 88 Elm Drive, Hove, BN3 7JL

My name: Laura Cordell

My address: <address redacted>

Good morning,

I am writing to express my dissatisfaction in the planned change in licensing conditions concerning application I445/3/2018/05072/LAPREN.

I believe that plans to extend the license until 04:00 am Friday-Sunday and 02:00 am Monday-Thursday will negatively impact both the local area and its residents. The area is a quiet, residential street with minimal late night vehicular and foot traffic. An extension of the licensing conditions as requested would not be in keeping with any comparable offerings in the area and would see a marked increase in noisy delivery scooters and mopeds, which would shatter the quiet suburban neighbourhood and disrupt the lives of local residents. Vehicular traffic, already an issue in the area, would also increase for food collections, which would mean both increased noise (traffic noise, doors slamming, loud conversations), and increased traffic pulling out of an already dangerous junction with limited visibility.

It could also lead to an increase in public disturbance, with groups of individuals hanging around the area until the early hours, which would again disturb the local residents, potentially create a public nuisance and create litter in the local area.

In short, I believe an extension in the licensing conditions for 88 Elm Drive would be inappropriate, given the quiet, residential area in which it is situated. I believe such extension would detrimentally affect the lives of local residents, for the reasons set out above.

Please don't hesitate to get in touch if you require further information.

Best wishes,

Laura Cordell

Validated
ppn
Eura.



September 3rd, 2018

Dear Sir/Madam

EB CON ENDS 12/4/18 (F)

We are writing to object to the planning application posted by: Shirin Aboulrahman of 88 Elm Drive Hove, BN3 7JL. This is a request to increase his/her restaurant delivery services to 2 a.m. As nearby residents we strenuously object to the increased traffic and noise that this will result in during unsociable hours in a residential area. Elm Drive and the surrounding area is made up of terraced houses, occupied by families and others, many of whom work or attend education with early starts, and in no way could it be described as a commercial area. I include an image of the planning notice for your convenience.

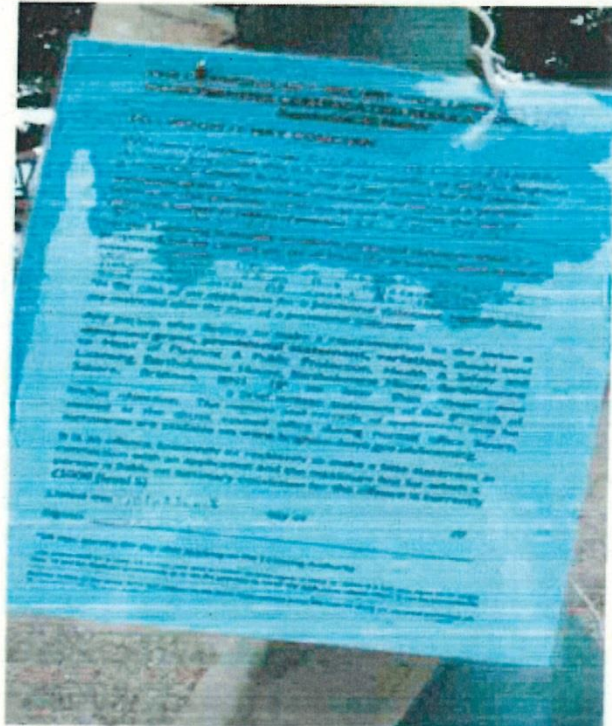
Best Regards



Deborah Thomas



David Thomas



From: Z D

Sent: 10 September 2018 13:32

To: EHL Safety

Subject: Representation against license application : Licence - 1445/3/2018/05072/LAPREN

EB CON ENDS 12.09.18 VALID PPN (G)

Ref license application : Licence - 1445/3/2018/05072/LAPREN

I am writing to you to make a representation against the license for Yummy Tandoori, 88 Elm Drive, Hove, BN3 7LS. My full name is Zorana Djurovic and my address is <address redacted>.

I understand that they have applied to extend their license under the above application, to provide a delivery service until 02.00-04.00 am. I am a very local resident I wish to express my extreme concern about this and register a formal representation against this being granted.

I believe that extension of working hours into the late night will not benefit this area at all, but will only benefit the above business. On the contrary, it will potentially become a huge nuisance for this residential area on many grounds.

I think that there is no need/call for a takeaway late into the night, as all the residents are fast asleep by then, being mainly families with young children, old people and commuting professionals living in this area. Especially as they serve kebabs, which will most likely increase visits from persons under the influence of alcohol, past closing hours of the pub up the road, who do not live here and would not normally come to this area, because there might be some confusion over the opening hours, as there will still be light in the shop, even though the shop will be closed, it still needs light to operate. This in turn can cause noise from people, littering, and other disturbances into the small hours of the night. The main reason my family moved into this neighbourhood, from central Hove, is that it's quiet, safe and peaceful community. Even the bus service stops throughout the night.

Having deliveries late into the night will cause a lot of extra noise, such as mopeds running up and down the road throughout the night, engines revving, doors slamming and such, which is an extremely loud noise during the night. Also, making it very dangerous and unsafe, as the position of the shop and a road layout, especially at night with all the residents cars as well as trade vans parked on the road owned by residents, has many dangerous accidents spots, as the visibility is mainly obstructed from the layout of the road as well as from the obstacles.. In the last few years, since I've moved here, there have been few local pets run over by a car as well as many near-misses. Hence, I strongly feel an increase in accidents is an inevitability, which as well as endangering public safety will cause a huge amount of disturbance to local residents.

Having the business above open until small hours of the night will have detrimental impact onto the local residents.

Hence, I would ask the council, not to approve this application, and keep the working hours as they are at the moment.

Kind regards

Zorana Djurovic

From: Marie Nixon

Sent: 10 September 2018 16:53

To: EHL Safety

Subject: Fwd: licence application

EB CON ENDS 12.09.18 VALID PCD & PNN (H)

Reference licence application: 1445/3/2018/05072/LAPREN

My name is Marie Nixon and I live at <address redacted>. I am writing to say why I would be against the license extension for Yummy Tandoori, 88 Elm Drive, Hove , BN3 7JL

My family and I moved to Elm Drive six years ago. We moved to this area because it is a quiet area and close to the children's school.

My concern is that Yummy Tandoori having a late delivery licence will lead to an increase in delivery vehicles, driving up and down the road till very late/early hours of the morning. vehicles waiting, slamming doors, etc at 2.00 am which is a public nuisance.

I am also worried that if they are doing just deliveries (after 11 when they are shut to the public), then they will still need to have shop lights on / signs lit up – so that the delivery vehicles know where to go. Therefore how do we know as residents, that there won't be more people coming to the area looking for a late night takeout? This will cause people who may be under the influence of alcohol to visit an area that they wouldn't otherwise and will cause disruption to the local residents, as well as bringing the chance of things like vandalism into the area or an increase in antisocial behaviour.

I therefore ask that the council will not approve this application and keep the hours as they are

King regards

Marie Nixon

-----Original Message-----

From: Karen Greer

Sent: 10 September 2018 20:17

To: EHL Safety

Subject: Licence - 1445/3/2018/05072/LAPREN

EB CON ENDS 12.09.18 VALID PPN (I)

Dear sirs,

I have today been made aware of the above licence application. I live <address redacted>. I am not happy that there will be a property open until until the early hrs! This will generate late night traffic and additional noise. Being late night could also encourage unsavoury behaviour. Please take note of my concerns.

Yours faithfully

K Greer

From: H Milanian
Sent: 11 September 2018 15:11
To: EHL Safety
Subject: Objection to license extension

EB CON ENDS 12.09.18 VALID PPN (J)

Dear sir/madam

I, Houman Milanian and my partner Janine Milanian living at <address redacted> would like to lodge an objection to an extension of the licence of the catering shop Yummy at 88 Elm Drive to 2 am for delivery only because of danger to public safety, increase in noise and traffic and creating public nuisance.

The junction from the lane into the road is a dangerous one. This is because the road there has a downhill gradient and as you come out of the lane you can only see so far and if you are already committed and a car comes down too fast it will hit you. Already there have been a few accidents. Especially at that time of early in the morning cars tend to go faster. This increases danger to the public.

Another reason is the increase in noise in a residential area at early hours of the morning as men on noisy mopeds deliver orders. Also some people who have been to a pub having had a few drinks might feel hungry and come there to get something to eat and when they see it is only delivery they might start ensuring and arguing and some of them even start shouting and hollering just like some drunks who are refused entry to a night club by the door man. This constitutes public nuisance.

I hope you take the above points into consideration and refuse the extension of the licence.

Yours faithfully

Houman and Janine Milanian

From: Sarah McSweeney

Sent: 11 September 2018 16:39

To: EHL Safety

Subject: Licensing Objection to Application Licence Ref: 1445/3/2018/05072/LAPRE

EB CON ENDS 12.09.18 VALID PPN (K)

Ref: Yummy Tandoori at 88 Elm Drive, Hove BN3 7JL Licence Application:
1445/3/2018/05072/LAPRE

My name is Mrs Sarah McSweeney. I live at <address redacted>.

I have just become aware that the above Licence has been applied for and would like to raise my objection. My understanding from the application is that the current occupant of the Yummy Tandoori at 88 Elm Drive, Hove BN3 7JL has applied to extend his trading to continue to serve customers, keeping the premises open to the public until 0200hrs but also to continue with home deliveries from the premises until 0400 hrs as well as sell alcohol.

I am concerned that this will attract anti-social behaviour, creating a noise nuisance and disruptive behaviour. We already experience a degree of this with their current opening hours and delivery service and should this licence be granted we will see a direct increase in the level of noise from vehicles (both cars and mopeds) and customers. I am concerned that this will continue into the early hours should their licence be granted. Therefore I am concerned that their request to continue serving members of the public from their premises until 0200 combined with the sale of alcohol will create more litter, more noise at night with customers hanging about outside, which we already currently experience to a degree and more anti-social behaviour.

The premises is also located just opposite a small green and I worry that we will have customers congregating there being a nuisance and noisy.

I sincerely hope you will be able to take my objections into account whilst considering this licence application and I am sure I would not be alone in these concerns and in objecting to this if it were more widely known amongst the residents nearby of the owners plans.

With Regards

Sarah McSweeney

<address redacted>

APPENDIX E



