



Licensing Act Sub-Committee

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MEMBERS: Councillor Ungar (Chairman); Councillors Cooke and Murray

Agenda

- 1 Apologies for Absence.**
- 2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct. (Please see note at end of agenda).**
- 3 New Premises Licence – Tesco, 68 Grove Road. (Pages 1 - 42)**

Report of Senior Specialist Advisor – **Report 03.**

Further Information

Inspection of Background Papers – Please see contact details listed in each report.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

For further information or to view associated papers please contact:

The Licensing Team Office, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415937, Fax: (01323) 415997

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415021, Minicom: (01323) 415111, Fax: (01323) 410322
E Mail: localdemocracy@eastbourne.gov.uk
Website at www.eastbourne.gov.uk
For general Council enquiries, please telephone (01323) 410000 or
E-mail: enquiries@eastbourne.gov.uk

Body: Licensing Sub Committee
Date: 13th May 2013
Subject: Application For a New Premises Licence For Tesco, 68 Grove Road, Eastbourne BN21 4UH
Report Of: Jay Virgo, Senior Specialist Advisor
Ward(s) Meads Ward
Purpose To determine an application for a new premises licence under the Licensing Act 2003.
Contact: Danielle Bryant 01323 415367 or danielle.bryant@eastbourne.gov.uk

1.0 Introduction & Background

- 1.1 An application has been received by Eastbourne Borough Council, as the Licensing Authority, from Tesco Stores Ltd in relation to premises at 68 Grove Road, Eastbourne, BN21 4UH.
- 1.2 The premises is currently closed. Previously it was utilised as office space.

2.0 The Application

- 2.1 An application for grant of a new premises licence under the Licensing Act 2003 has been sought for the following activities:

Late night refreshment

23.00- 00.00 hours Monday - Sunday

Supply of alcohol (Off the premises only)

06.00 – 00.00 hours Monday - Sunday

Open to the Public

06.00– 00.00 hours Monday - Sunday

3.0 Licensing Objectives

- 3.1 When submitting an application for a premises licence under the Licensing Act 2003, the applicant is required to describe any steps they intend to take to promote the four Licensing Objectives as defined by the Licensing Act 2003. The Operating Schedule detailing these steps can be seen in the application form. This is included at Appendix 1.
- 3.2 A layout plan of the premises is included at Appendix 2.

4.0 Consultation Process

- 4.1 The Licensing Act 2003 requires applicants to advertise both on the premises, and in a local newspaper in order to inform the public of the application. A number of "Responsible Authorities" have also been consulted as part of the

process, allowing a consultation period of 28 days for representations to be made.

- 4.2 In this instance, as a result of the consultation process, a number of representations have been received. These are detailed at Section 8 of this report.

5.0 The Decision Making Process - The Licensing Objectives

- 5.1 In their decision making, the Licensing Sub Committee must act to promote the four Licensing Objectives. All carry equal weight as part of the process. The Licensing Objectives are:

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

6.0 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance Issued

- 6.1 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members Room or can be downloaded from www.eastbourne.gov.uk/licensing.
- 6.2 Whilst each application will be considered on its merits, the Licensing Sub Committee will have due regard to the Eastbourne Borough Council Statement of Licensing Policy 2011 – 2014, and Section 182 Guidance issued by the Department of Culture, Media and Sport, (revised in April 2012), and must act to promote the four Licensing Objectives.
- 6.3 Eastbourne Borough Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the Licensing Act 2003. An overview appears below.
- 6.4 The Prevention Of Crime and Disorder

The Council's Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.5 Public Safety

The Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the physical safety of patrons. This might include the imposition of conditions regarding capacity and mechanisms to promote responsible drinking. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.6 Prevention of Public Nuisance

The Statement of Licensing Policy states that within the Operating Schedule,

applicants will be required to demonstrate how they intend to prevent nuisance arising, disturbance occurring and mechanisms to protect amenities. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.7 Protection of children from harm

The Statement of Licensing Policy requires that operating plans must specify the measures and management controls in place to protect children from harm. Conditions can be placed to restrict access to children from accessing the premises during certain times or when certain licensable activities are taking place. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

7.0 Cumulative Impact

- 7.1 The premises in question is located within the Cumulative Impact Zone. It is recognised that the impact of the number, type and density of licensed premises in a given area may lead to problems of noise, nuisance, crime and disorder outside of, or a distance from licensed premises.
- 7.2 Cumulative Impact is defined as the “potential impact upon the Licensing Objectives of a significant number of licensed premises concentrated in an area,” and is a proper matter for consideration by the Licensing Authority.
- 7.3 The Licensing Authority may receive representations from a Responsible Authority or ‘Interested Party’ that the cumulative effect of licences is leading to an area becoming saturated. This creates exceptional problems of disorder and nuisance, over and above the impact from individual premises which undermines the promotion of one or more of the licensing objectives.
- 7.4 Where valid representations are received, the Cumulative Impact Policy creates a rebuttable presumption that the application will be refused.

It is for the applicant to address the Cumulative Impact Policy and produce evidence to demonstrate that the matter:

- (a) Will not add to the cumulative impact caused by licensed premises and challenges already experienced in the area;
 - (b) Will not undermine the promotion of the Licensing Objectives.
- 7.5 The Cumulative Impact Policy clearly states that licence applications in the Zone should be refused, unless Members are satisfied that the applicant has provided evidence to show that premises will not exacerbate existing issues in the locality, or undermine the promotion of the Licensing Objectives.
 - 7.6 The full Cumulative Impact Policy can be found within the Council’s Statement of Licensing Policy 2011 – 2014. Copies are available at www.eastbourne.gov.uk/licensing, in the Members Room and will be provided at the hearing.

8.0 **Representations**

- 8.1 A full copy of all representations is included at Appendix 3, however a summary appears below.

Interested Parties

There have been **4** representations from members of the public:

Ms Scott
Mr Hall
Mr Booth
Hayder Rasul

The representations centre on the prevention of crime and disorder and the prevention of public nuisance (noise) Licensing Objectives.

Concerns centre on the potential for noise, nuisance and alcohol fuelled disturbance in the area, especially from street drinkers.

Representations from Responsible Authorities

There has been **1** representation from a responsible authority:

- **Sussex Police – Representation attached.**
- **Eastbourne Borough Council Health and Environment Team -** No representations.
- **Eastbourne Borough Council Health and Safety Department –** No representations.
- **Eastbourne Borough Council Planning Department–** No representations.
- **East Sussex Fire and Rescue Service –** No representation
- **Area Child Protection Team–** No representations
- **Trading Standards (East Sussex County Council) –** No representations.
- **Primary Care Trust-** No representations

- 8.2 The Sub Committee will need to have regard to any history or likelihood of noise, nuisance, crime and disorder at the site, or in the vicinity of the site. In addition, matters impacting upon public safety and strategies to protect children from harm will also need to be considered.
- 8.3 The Sub Committee may also consider any other matters that may negatively impact upon the Licensing Objectives and exercise their powers to impose conditions, or take the appropriate action as they see fit, in order to promote the Licensing Objectives.
- 8.4 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered necessary, proportionate and reasonable on a case by case basis.

- 8.5 The applicant, "interested parties" and/or Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.

9.0 Mediation

- 9.1 The applicant sent an email with suggested revised changes to opening hours and the permitted hours for the sale of alcohol to Sussex Police and the Licensing Authority on the 17th April 2013. This also included a further list of conditions to be attached, subject to a premises licence being granted. The applicant sent a further email with revised sale of alcohol hours on the 24th April 2013. Copies of these emails are included at Appendix 4.
- 9.2 Sussex Police responded as per the correspondence on the 25th April 2013, subsequently withdrawing their representation. A copy of the email is included at Appendix 5.
- 9.3 The Police have subsequently agreed to withdraw their representation in accordance with the following amended conditions and licensable activities:

Supply of alcohol (Off the premises only)

09.00 – 22.00 hours Monday - Sunday

Open to the Public

06.00– 23.00 hours Monday - Sunday

- All spirits with an Alcohol by Volume (ABV) of over 12% will not be available for self service and will be displayed for sale behind the checkout area only and must be covered outside of the licensable hours.
- No alcohol will be displayed for sale within 3 metres of any public entrance/exit of the premises.
- A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of, and in consultation with the Police. Such a system shall:

Be operated by properly trained staff;

Be in operation at all times that the premises are being used for a licensable activity;

Ensure coverage of all public entrances and exits to the licensed premises;

Ensure coverage of such other areas as may be required by the Licensing Authority and Police;

Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or

otherwise) for a period of 28 days, and shall be supplied to the Licensing Authority or Police on request.

- No persons carrying open vessels of alcohol shall be admitted to the premises at any time;
- If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police should be called to support;
- A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after customers and staff. The store will adhere to all rules and regulations relating to public safety;
- The premises will not stock any beer/lager/cider with an ABV of over 5.5%, without prior written agreement of the Police;
- When requested by either the Licensing Authority or Police the premises licence holder shall withdraw any brand of alcoholic drinks or size of bottle from sale at or from the premises;
- The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall take part in Police led initiatives, as well as regularly attend any meetings organised by the Police in relation to those initiatives;
- The premises will not sell any cans/bottles of lager/ beer/ cider where the individual unit size is 440ml or less in packs of less than 4;
- Any customer will be banned from the premises if they are identified as attempting to purchase alcohol on behalf of persons under 18 and persons who are already prohibited from entering the store;
- A Challenge 25 scheme shall operate at the premises. All staff will be trained and refreshed on Challenge 25 policy. Training will be recorded and made available for inspection on the request of enforcement authorities. Any person who appears to be under the age of 25 shall not be served alcohol unless they produce an acceptable form of identification (Passport or PASS accredited card). Challenge 25 notices will be displayed in prominent positions throughout the premises;
- When alcohol is processed through the store tills, a till prompt will appear reminding the cashier of their responsibilities that they must sell alcohol legally. The cashier will have to make a positive action to continue the sale of alcohol.

9.4 The amended conditions in 8.3 supplement/replace the suggested conditions included in the operating schedule submitted in Appendix 1 with the application.

- 9.5 A copy of the revised conditions and hours were sent to the interested parties who had made representations. A copy of responses from Mr Craig Booth and Hayder Rasul maintaining their representations are included at Appendix 6.

10.0 Options open to the Sub Committee

10.1 The Sub Committee must have regard to the following:

- Eastbourne's Statement of Licensing Policy 2011-2014;
- Statutory guidance as amended in April 2012, under Section 182 of the Licensing Act 2003;
- Representations from the proposed Premises Licence Holder and/or the Designated Premises Supervisor;
- Representations from any Responsible Authority;
- Representations from "interested parties";
- Representations from Ward Councillors.

10.2 The Licensing Sub Committee must take the steps it considers necessary for the promotion of the Licensing Objectives and may:

- Grant the application in full as requested;
- Grant the application but modify it:
 - By altering hours or activities;
 - Adding conditions as necessary, or
 - Omit parts as considered necessary for the promotion of the Licensing Objectives.
- Reject the whole or part of the application.

11.0 Legal Considerations

11.1 The framework for the issue, variation and/or modification to applications is made under the Licensing Act 2003. The Department for Culture, Media and Sport has issued Guidance under Section 182 of the Act, amended in April 2012. This Guidance is provided in order to assist the Council in carrying out functions under the Act.

11.2 Furthermore, the Licensing Sub Committee must have regard to Eastbourne Borough Council's Statement of Licensing Policy 2011-2014.

12.0 Human Rights

12.1 The provisions of the Human Rights Act 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, and Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is

done:

- ☐ Has a basis in law;
- ☐ Is intended to pursue a legitimate purpose
- ☐ Is necessary and proportionate; and
- ☐ Is not discriminatory.

Background Material

- LACORS Guidance – Committee Hearings 2006
- Section 182 Statutory Guidance to the Licensing Act 2003 (April 2012)
- Hearing and Regulations, Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2011-2014
- Human Rights Act 1998



Eastbourne
Application for a premises licence
Licensing Act 2003

For help contact
enquiries@eastbourne.gov.uk
 Telephone: 01323 410000

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

INDIVIDUAL APPLICANT DETAILS**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☐ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

☐ Yes

☐ No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☐ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

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OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Retail Premises (supermarket) selling a range of goods and service. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

Will you be providing plays?

☐ Yes

☒ No

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PROVISION OF FILMS

Will you be providing films?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes

☒ No

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☐ Yes

☒ No

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes

☒ No

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Continued from previous page...

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☒ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Providing hot food and drinks

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SATURDAY

Start 06:00

End 24:00

Start

End

SUNDAY

Start 06:00

End 24:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Greg

Family name

Bartley

Continued from previous page...

Enter the contact's address

Building number or name	39
Street	Offley Road
District	
City or town	Hitchin
County or administrative area	Herts
Postcode	SG5 2BB
Country	United Kingdom
Personal Licence number (if known)	Harlow/pers/0094
Issuing licensing authority (if known)	Harlow District Council

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start 06:00

End 24:00

Start

End

WEDNESDAY

Start 06:00

End 24:00

Start

End

THURSDAY

Start 06:00

End 24:00

Start

End

FRIDAY

Start 06:00

End 24:00

Start

End

SATURDAY

Start 06:00

End 24:00

Start

End

SUNDAY

Start 06:00

End 24:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application.

Images will be retained for a minimum of 21 days and made available on enforcement request.

Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.

We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.

A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.

The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00

Continued from previous page...

Band D - £87001 to £125000 £450.00*
Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee according to the Licensing Fees table. <http://www.eastbourne.gov.uk/health/environmental/fees>

Band D - £87001 to £125000 £900.00
Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000-14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS**AUTHORITY POSTAL ADDRESS****Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Continued from previous page...

☐

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/eastbourne/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

Consent of individual to being specified as premises supervisor

I,

[Insert full name of applicant]

GREG BARTLEY

[Date of Birth] 14/07/1976

of

39 Offley Road, Hitchin, Herts. SG5 2BB

[Insert full home address and postcode]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a new premises licence to specify an individual as designated premises supervisor under section 17 of the Licensing Act 2003 by Tesco Stores Ltd relating to a premises licence:

[Insert existing Premises Licence Number if any]

for

Tesco Stores Ltd
Grove Road
Eastbourne
East Sussex
BN21 4UH

[Insert name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of the application made by Tesco Stores Ltd concerning the supply of alcohol at the above premises.

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[Insert personal licence number, if any] HARLOW/PERS/0094

Personal Licence issuing authority

Harlow District Council

Signed

Name (Please Print)

Date

GREG BARTLEY

13th March 2013

Eastbourne

The Licensing Manager,
1 Grove Road,
Eastbourne.
BN21 1TW

20th March 2013.

Dear Madam,

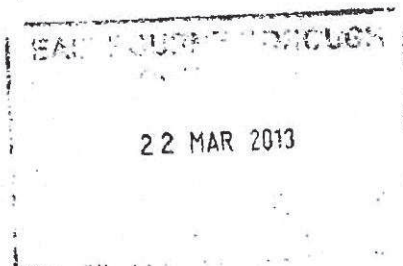
Alcohol Licence.

I am amazed that Tesco is applying for an alcohol licence for the store that is to open in Grove Road when there is such a problem in the town with street drinkers. I thought that due to the nuisance caused by these people, further licences to sell alcohol were to be restricted; for example, there has always been a problem outside Marks and Spencer, so surely to grant another licence would not be responsible. I do think that Tesco can survive selling other products without the necessity to sell alcoholic drinks. Also I believe that the shop that took over from Thresher's off-sales has been refused a licence because of the problem with the street drinkers. Please inform me if there is to be an open meeting where I can attend any hearing pertaining to the application for the licence.

Yours faithfully,



Elisabeth Scott.



Eastbourne

Telephone

The Licensing Manager,
1 Grove Road,
Eastbourne.
BN21 1TW

25th March 2013.

Dear Madam,


Application for Alcohol Licence, Proposed Tesco store, Grove Road Eastbourne

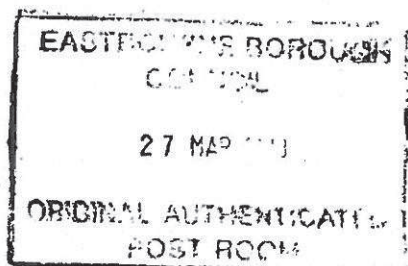
Further to today's telephone call from your office on this subject, whilst I do appreciate that the reasons stated in my original letter cannot be accepted as an objection to the granting of an alcohol licence to Tesco because those reasons do not fall into any of the four permitted categories of complaint, I am sure you will appreciate that my concerns are genuine; I have not changed my view that the refusal of a licence to premises that were formerly an off-licence store did strike me as being unreasonable.

However, and to the point, there is no doubt that street-drinking is a known problem in Eastbourne and, if the opening of another outlet for the sale of alcohol within the prescribed area is of concern to the licensing authority, then Tesco's application should be rejected on the grounds that it could encourage anti-social drinking. My view is that granting a licence to sell alcohol in that particular location would be detrimental to the social ambience of the area.

I must add that, purely as a comment, if Tesco is granted a licence to sell alcohol, there is a far greater chance of street-drinkers enjoying the convenience of the benches outside of the Town Hall than ever there would have been in Station Parade.

Yours faithfully,


Bernard Hall.



Name of Premises: tesco stores

Address of Premises: Street name and number 68 Grove Road, Eastbourne

What type of advertised application do you wish to make your representation about?: Application for a new premises licence

What is your interest in the licence application?: I am a person who lives near the premises

Where did you see the licence application advertised?: Site notice outside the premises

: Please enter your representation to the premises licence application under the appropriate headings below relating to the Licensing Objectives.

Prevention of crime and disorder: Street, and anti-social, drinking is already a problem requiring control in the town centre. Note in this regard the problems at other, similar premises in South Street and Station Parade, where the authority and the police have objected to alcohol licences.

Prevention of public nuisance: The proposed hours are excessive. Note in this regard that Tesco Store was granted planning permission to open the store only until 23:00 hours.

: Please enter your contact details below.

Name: Thomas Craig Booth

Email: .

Address: Street name and number

Postcode:

Licensing Team
Eastbourne Borough Council
1 Grove Road
Eastbourne
BN21 4TW



Date: 23-03-2013

Dear Sir/Madam

I wish to raise my objections to proposed planning application that has gone to council for a premises license 68 Grove Road Eastbourne. from 06:00 to 24:00 hours.

The reason for my objections are are listed below:-

Crime and Disorder:

Attracting users of the pubs down south street into a more residential area, I believe that this would bring more crime and disorder into the area. A new premises license in this part of the city would enhance crime on the grounds of anti-social behaviour, it would lead to more drunken behaviour and lead to the area becoming a target for crime.

Public Safety:

I would argue that this would bring crime into the area and would effect vulnerable residents within the area.

Public nuisance:

Knowing where the premises sits in the local area, it sits at a junction to a residential areas. I believe that a premises of this type will not enhance the local area, but contribute to more public nuisance. This premises would be inappropriate in such a location. This area is not part of the night time economy of eastbourne. Also there will be parking issues within the junction.

I believe Eastbourne is well served by off licenses and community shops Specially another tesco in Eastbourne, there are already 2 off licenses on Grove Road so i cannot see why this neighbourhood would benefit from such a facility. Eastbourne is already suffering from anti-social behaviour thats why there is a Cumulative impact zone policy anf Grove Road is within the Zone.

HAYDER BASUL

EASTBOURNE

Your Ref:

Our Ref:

Date: 27th March 2013

Contact Name: Inspector Ross

Tel. Extension: 64261

Direct Dial No:

Dear Mr Virgo,

RE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE FOR TESCO STORES LTD, 68 GROVE ROAD, EASTBOURNE BN21 4UH

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of Crime and Disorder and Public Nuisance

The application is to allow the premises to be open to the public from 06:00 hrs until midnight daily with corresponding hours for the supply of alcohol and includes late night refreshment between 23:00 hrs and midnight.

The concentration of licensed premises within a small area of the town of Eastbourne causes problems of crime and disorder and public nuisance. In consequence of this, following extensive consultation in 2007, the Licensing Authority in July of that year concluded it was both appropriate and necessary to introduce the Special Saturation (Cumulative Impact) Policy. The policy was reviewed in 2010 when small amendments were made, one of which was the inclusion of off-licences within the policy which was adopted in February 2011. The premises to which the application relates is situated within the area of the Special Saturation (Cumulative Impact) Policy and therefore there is a presumption that any new premises licence or variation will be refused.

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003, amended in October 2010 provides,

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises license, club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives".

This principle is reflected in the Eastbourne Borough Council Special Saturation (Cumulative Impact) Policy contained within the Eastbourne Borough Council Licensing Policy. Paragraph 5.1 states, *"The effect of adopting a Cumulative Impact Policy is to create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations to such will normally be refused if relevant representations are received.*

Mr Jay Virgo
Senior Specialist Adviser
Eastbourne Borough Council
1 Grove Road
Eastbourne
East Sussex BN21 4TW

Paragraph 5.2 states, *"Applicants must address the Cumulative Impact Policy and produce evidence to demonstrate how the application will:*

- (a) Not add to cumulative impact, and challenges already being experienced in the area or*
- (b) Undermine the promotion of the licensing objectives.*

Paragraph 5.3 states, *"The applicant must produce evidence to rebut the presumption to refuse an application within the Cumulative Impact Policy area...."*

Eastbourne Borough Council Cumulative Impact Policy states at paragraph 8.1, *"The conclusion drawn in respect of the evidence is that where relevant representations are submitted, the Cumulative Impact Policy should aim to continue to limit the number of new or material variations to licensed premises."*

At 8.2, *"The Licensing Authority believes that the presence of a Cumulative Impact Policy in the designated area since 2007, supports and assists the range of strategies in place to tackle crime, disorder, noise and nuisance."*

At 8.3, *"Accordingly, the Licensing Authority has resolved to maintain the Cumulative Impact Policy. The Policy will come into effect where relevant representations are received, will seek to prevent a further increase in the number of licensed premises and material changes to licences within that area."*

At 8.4, *"The Licensing Authority wishes to encourage the provision of a range of entertainment in the area and to reduce the dominance of pubs, off-licences, bars and nightclubs....."*

Paragraph 8.34 of the Secretary of State's Guidance to the Licensing Act 2003, amended in April 2012 provides, *'In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.*

Paragraph 8.36 of the guidance states *'Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy'.*

The area covered by the Cumulative Impact Policy is already saturated with licensed premises, with off-licenses being a particular issue. Sussex Police contend that the grant of this licence would add to the existing negative impact and to the challenges already being experienced in the area.

Eastbourne town centre has a significant and perennial problem with street drinkers who congregate in this area, behaving abusively and intimidating both shopkeepers and passers-by to such an extent that Eastbourne Borough Council has removed the public seating within the Terminus Road area. Sussex Police have, and continue to, work with the Council and other agencies exploring and implementing initiatives to deal effectively with this issue.

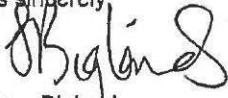
Such has been the concern about the number of incidents that on 1st June 2011 Sussex Police in partnership with Eastbourne Borough Council imposed a Dispersal Order area under S.30 of the Anti-Social Behaviour Act 2003 to this area. The provisions of the Order were effective for three months, expiring at midnight on 31st August. During that period in excess of 150 street drinkers were dispersed from a number of locations.

In 2012, due to a similar number of incidents in the first half of the year a second Dispersal Order was put in place for the period of 24th August to 23rd November resulting in further street drinkers being dispersed. It is likely that it will be necessary to put a Dispersal Order in place this year.

Sussex Police have noted that the Application fails to mention the Cumulative Impact Policy or any additional steps which are proposed to mitigate the impact of this Application; nor why this should be considered an exception to the Policy.

Sussex Police contend the Applicant does not rebut the presumption of refusal and has not addressed the requirements of S5.2 and S5.3 of the Councils Policy, and accordingly invite the Committee to refuse this Application.

Yours sincerely



Stephen Biglands
Eastbourne District Commander

Bryant, Danielle

From: Bartley, Greg [REDACTED]

Sent: 17 April 2013 10:29

To: [REDACTED]; Bryant, Danielle; [REDACTED]

Cc: Jeremy Bark; Askew, Feri; Bartley, Greg

Subject: RE: Tesco Premises Licence Application - Grove Road, Eastbourne

In recognition of our proposed store at Grove Road, Eastbourne being located within a Cumulative Impact Area and the concerns raised against our application we would wish to request the following amendments to the application, should it be granted:

Remove the provision of late hours catering between 2300 and 0000, amend the opening hours to 0600 to 2300.

Amend the selling of alcohol to 0900 to 2300 Monday to Sunday

Add the following conditions on to the licence:

- All spirits with an ABV of over 12% will not be available for self service and will be displayed for sale behind the checkout area only and must be covered outside of the licensable hours.
- No alcohol will be displayed for sale within 3 metres of any public entrance/exit of the premises.
- A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of, and in consultation with the Police. Such a system shall;
 - a. Be operated by properly trained staff.
 - b. Be in operation at all times that the premises are being used for a licensable activity.
 - c. Ensure coverage of all public entrances and exits to the licensed premises
 - d. Ensure coverage of such other areas as may be required by the Licensing Authority and Police.
 - e. Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of 28 days, and shall be supplied to the Licensing Authority or Police on request.
- No persons carrying open vessels of alcohol shall be admitted to the premises at any time.
- If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police should be called to support.
- A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.
- The premises will not stock any beer/lager/cider with an ABV of over 5.5%, without prior written agreement of the Police.
- When requested by either the Licensing Authority or Police the premises licence holder shall withdraw any brand of alcoholic drinks or size of bottle from sale at or from the premises.
- The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall take part in Police led initiatives, as well as regularly attend any meetings organised by the Police in relation to those initiatives.
- The premises will not sell any cans/bottles of lager/ beer/ cider where the individual unit size is

440ml or less in packs of less than 4.

- Any customer will be banned from the premises if they are identified as attempting to purchase alcohol on behalf of persons under 18 and persons who are already prohibited from entering the store.
- A Challenge 25 scheme shall operate at the premises. All staff will be trained and refreshed on Challenge 25 policy. Training will be recorded and made available for inspection on the request of enforcement authorities. Any person who appears to be under the age of 25 shall not be served alcohol unless they produce an acceptable form of identification (Passport or PASS accredited card). Challenge 25 notices will be displayed in prominent positions throughout the premises.
- When alcohol is processed through the store tills, till prompt will appear reminding the cashier of their responsibilities that they sell alcohol legally. The cashier will have to make a positive action to continue the sale of alcohol.

Kindest regards

Greg Bartley
Tesco Licensing Manager

[Redacted signature]

[Redacted text] Tesco may monitor and record all emails. The views expressed in this email are those of the sender and not Tesco.

[Redacted text]

Bryant, Danielle

From: Bartley, Greg [REDACTED]
Sent: 24 April 2013 15:20
To: [REDACTED], Bryant, Danielle, [REDACTED]
Cc: jeremy Bark; Askew, Feri
Subject: RE: Tesco Premises Licence Application - Grove Road, Eastbourne

After extensive further discussions with the Police we would wish to further amend our Premises Licence application for our proposed store at Grove Rd, Eastbourne to allow the sale of alcohol between 0900 to 2200 Monday to Sunday .

Kindest Regards

Greg

Greg Bartley
Tesco Licensing Manager
[REDACTED]
[REDACTED]

From: Bartley, Greg
Sent: 17 April 2013 10:29
To: [REDACTED]; Danielle.Bryant@eastbourne.gov.uk;
[REDACTED]
Cc: jeremy Bark; Askew, Feri; Bartley, Greg
Subject: RE: Tesco Premises Licence Application - Grove Road, Eastbourne

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 - b. Be in operation at all times that the premises are being used for a licensable activity.
 - c. Ensure coverage of all public entrances and exits to the licensed premises
 - d. Ensure coverage of such other areas as may be required by the Licensing Authority and Police.
 - e. Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of 28 days, and shall be supplied to the Licensing Authority or Police on request.

- No persons carrying open vessels of alcohol shall be admitted to the premises at any time.
- If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police should be called to support.
- A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.
- The premises will not stock any beer/lager/cider with an ABV of over 5.5%, without prior written agreement of the Police.
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- The premises will not sell any cans/bottles of lager/ beer/ cider where the individual unit size is 440ml or less in packs of less than 4.
- Any customer will be banned from the premises if they are identified as attempting to purchase alcohol on behalf of persons under 18 and persons who are already prohibited from entering the store.
- A Challenge 25 scheme shall operate at the premises. All staff will be trained and refreshed on Challenge 25 policy. Training will be recorded and made available for inspection on the request of enforcement authorities. Any person who appears to be under the age of 25 shall not be served alcohol unless they produce an acceptable form of identification (Passport or PASS accredited card). Challenge 25 notices will be displayed in prominent positions throughout the premises.
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Kindest regards

Greg Bartley
Tesco Licensing Manager

[Redacted signature]

Tesco may monitor and record all emails. The views expressed in this email are those of the sender and not Tesco.

[Redacted signature]

Bryant, Danielle**From:** [REDACTED]**Sent:** 25 April 2013 15:09**To:** Bryant, Danielle; Virgo, Jay**Cc:** [REDACTED]**Subject:** RE: Tesco Premises Licence Application - Grove Road, Eastbourne

Dear All,

Further to the below email from Mr Greg Bartley in which he has provided various amendments to the original Licence Application for the above premises. Sussex Police are of the opinion that with the conditions suggested, along with the hours proposed, this Application is likely to meet the 'exceptional circumstance' criteria required to rebut the presumption of refusal of a new licence within the Cumulative Impact Area.

I have consulted with Ch Insp Biglands, the Eastbourne District Commander, and subject to the Licensing Authority accepting the amendments to the original Application i.e. the conditions are adopted and the hours are as below, Sussex Police wish to formally withdraw the Representation submitted by Ch Insp Biglands on 13th May, 2013 .

Regards
Jean

Jean Irving

Force Licensing & Public Safety Manager
Licensing Unit, Operations Dept
Lewes HQ

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

From: Bartley, Greg [mailto:[REDACTED]]**Sent:** Wednesday 24 April 2013 15:20**To:** Wolfe Catherine [REDACTED]; Danielle.Bryant@eastbourne.gov.uk; Irving Jean [REDACTED]**Cc:** [REDACTED]; [REDACTED]**Subject:** RE: Tesco Premises Licence Application - Grove Road, Eastbourne

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Kindest Regards

Greg

Greg Bartley
Tesco Licensing Manager

From: Bartley, Greg**Sent:** 17 April 2013 10:29**To:** [REDACTED]; Danielle.Bryant@eastbourne.gov.uk;

Cc: jeremy Bark; Askew, Feri; Bartley, Greg

Subject: RE: Tesco Premises Licence Application - Grove Road, Eastbourne

In recognition of our proposed store at Grove Road, Eastbourne being located within a Cumulative Impact Area and the concerns raised against our application we would wish to request the following amendments to the application, should it be granted:

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Amend the selling of alcohol to 0900 to 2300 Monday to Sunday

Add the following conditions on to the licence:

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- No alcohol will be displayed for sale within 3 metres of any public entrance/exit of the premises.
- A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of, and in consultation with the Police. Such a system shall;
 - a. Be operated by properly trained staff.
 - b. Be in operation at all times that the premises are being used for a licensable activity.
 - c. Ensure coverage of all public entrances and exits to the licensed premises
 - d. Ensure coverage of such other areas as may be required by the Licensing Authority and Police.
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Kindest regards

Greg Bartley
Tesco Licensing Manager

[Redacted signature]

[Redacted] Tesco may monitor and record all emails. The views expressed in this email are those of the sender and not Tesco.

[Redacted signature]

Sussex Police – Serving Sussex

We want to know your views – see what's new and give us your feedback and suggestions at www.sussex.police.uk

If you have received this message in error, please contact the sender as soon as possible – you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

Bryant, Danielle

From: Craig Booth
Sent: 28 April 2013 15:50
To: Bryant, Danielle
Cc: Ansell, Councillor; Taylor, Councillor
Subject: Re: tesco

Dear Ms Bryant

Thank you for your email, and sight of Tesco's response to objections

I do still want to make representation on the following grounds.

- 1) There is Cumulative Impact on public order caused by excessive concentration of licensed premises.
- 2) This Cumulative Impact has already been recognised by the authority in refusing alcohol off-licences further down South Street, and in Terminus Road near the station. To allow Tesco a licence would seem to be unfairly discriminatory.
- 3) in Tesco's emailed amended application, they have NOT offered to stop sales at 22:00 hours. As far as I can see, they are offering to restrict alcohol sales to 09:00 - 23:00.
- 3) I contend that a sensible drinker will have bought alcohol before 21:00 hours and that, if the authority were minded to grant the licence despite the Cumulative Impact risk to the town and neighbourhood, then the licence should stipulate sales only between 09:00 & 21:00, i.e. 12 hours per day.

Lastly: Tesco make mention in this email of opening the shop for general sales at 06:00 hours yet in their planning application they said they would open at 07:00 hours. I do hope that this is a mistake on the part of Tesco, rather than a threat. 07:00 is a well-recognised redline, before which local residents should not be subjected to noise nuisance. We reluctantly accepted that Tesco should be free to trade and serve customers from 07:00 - but not from 06:00 hours.

Would you be so kind as to pass on this concern to your colleagues in the Planning Department?

With kind regards

T Craig Booth

Eastbourne

On 25 Apr 2013 15:18, "Bryant, Danielle" <Danielle.Bryant@eastbourne.gov.uk> wrote:

Hello please find below an email from Tesco licensing with a list of conditions they would have attached to there licence if granted. They have emailed again with revised sale of alcohol times to **22.00hrs 7 days a week.**

Please let me know ASAP if these conditions ease your concerns and you are happy to withdraw you current representation?

Many thanks

In recognition of our proposed store at Grove Road, Eastbourne being located within a Cumulative Impact Area and the concerns raised against our application we would wish to request the following amendments to the application, should it be granted:

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 - a. Be operated by properly trained staff.
 - b. Be in operation at all times that the premises are being used for a licensable activity.
 - c. Ensure coverage of all public entrances and exits to the licensed premises
 - d. Ensure coverage of such other areas as may be required by the Licensing Authority and Police.
 - e. Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of 28 days, and shall be supplied to the Licensing Authority or Police on request.
- No persons carrying open vessels of alcohol shall be admitted to the premises at any time.

Eastbourne
East Sussex

29 April 2013

Eastbourne Borough Council
1 Grove Road
Eastbourne
East Sussex
BN21 4TW

Dear Miss Bryant

**Re: Licensing Act 2003
Application for a Premise Licence
Tesco, 68 Grove Road**



I thank you for your letter dated 26 April 2013 and note the contents.

Despite the suggested revisions by Tesco to the opening and selling of alcohol times and some other conditions that could be attached to a licence if granted etc, these do not ease my concerns.

I still remain firmly opposed to the opening of a new Tesco store in Grove Road and also to Tesco's being granted an alcohol licence.

I consider that the granting of a alcohol licence would bring unwanted anti social behaviour and crime to Grove Road, despite Tesco's proposing to reduce their alcohol selling hours. I consider that large groups of youths and street drinkers would congregate outside the store, especially on a Friday and Saturday nights causing havoc to local community. A CCTV system for example would not prevent or reduce anti social behaviour in any shape or form.

I am aware that the Council has not granted alcohol licences to various other Town Centre shops such as Kass convenience store or Savers in recent months. If the Council were to grant Tesco an alcohol licence then they would have no choice than to grant many other local shops an alcohol licence, as it simply would not be reasonable to exclude them. Therefore, it is likely that the Council would face an increase in licence applications.

Grove Road has many small thriving independent shops and businesses. I consider that many traders in Grove Road would be forced out of business by the opening of the new Tesco store. The small independent shops would simply not be able to compete with Tesco prices and promotions. The result would be shopkeepers going

bankrupt and many empty shops appearing in Grove Road. Ultimately, in the long term this would create less revenue for Eastbourne Borough Council.

I consider the current image of Grove Road being promoted as "Little Chelsea" is based upon the idea of many small independent shops located in one street and working together for the local community. A new Tesco store, would completely undermine the image of "Little Chelsea", as Tesco is a large international chain store, not a small local business. I cannot see that they would give anything back to the local community. I consider that the Council should be promoting and encouraging the opening of small independent shops in Grove Road and not supporting the opening of international chain stores such as Tesco.

Parking is very limited in Grove Road, as much of the street is metered. The opening of Tesco's would bring travel congestion to the streets, as Tesco customers would "double park" or park on double yellow lines due to the limited parking. This would undermine road safety for pedestrians and other road users and cause traffic accidents.

In addition to the above, there would be nowhere for delivery lorries to park and unload their goods. The lorries could not stop in the bus stop outside the store, as this would prevent buses from collecting and dropping their passengers. The lorries also could not double park in the street, as Grove Road is far too narrow for this. I anticipate that the delivery lorries would be forced to double park or stop in the bus stops, as there is no other parking. This would cause travel congestion in Grove Road and undermine the safety of pedestrians and other road users.

The location of the proposed new Tesco seems totally out of place in Grove Road. For example, you have a sacred Church on one side of the Road, the historic Town Hall opposite and the Police Station nearby. I cannot see how Tesco would fit into its current proposed new location.

Yours faithfully

Hayder Rasul