

Appendix 3

Eastbourne

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

20th March 2013.

Dear Madam,

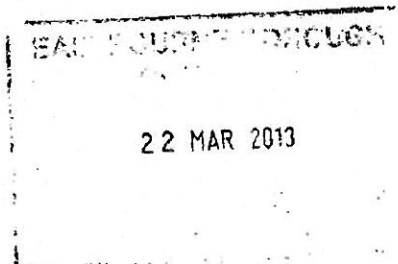
Alcohol Licence.

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

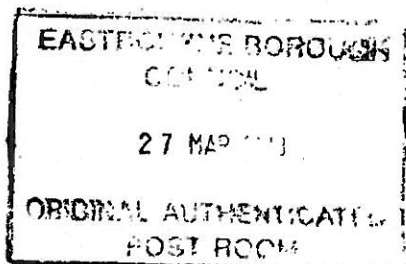
Further to today's telephone call from your office on this subject, whilst I do appreciate that the reasons stated in my original letter cannot be accepted as an objection to the granting of an alcohol licence to Tesco because those reasons do not fall into any of the four permitted categories of complaint, 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.

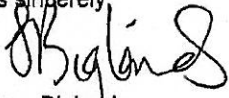
Such has been the concern about the number of incidents that on 1st June 2011 Sussex Police in partnership with Eastbourne Borough Council imposed a Dispersal Order area under S.30 of the Anti-Social Behaviour Act 2003 to this area. The provisions of the Order were effective for three months, expiring 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 line] 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: 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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 - 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.

29/04/2013

- 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.
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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.
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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.

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;

29/04/2013

Cc: jeremy Bark; Askew, Feri; Bartley, Greg
Subject: RE: Tesco Premises Licence Application - Grove Road, Eastbourne

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Kindest regards

Greg Bartley
Tesco Licensing Manager

[REDACTED]

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

[REDACTED]

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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- 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**

**EASTBOURNE BOROUGH
COUNCIL**

30 APR 2013

**ORIGINAL AUTHENTICATED
POST ROOM**

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 an 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 Tescos 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