



Licensing Act Sub-Committee - Record of Hearing held on Wednesday 17 August 2005 at 10.30am

MEMBERS: Councillor TAYLOR (Chairman); Councillors Mrs POOLEY and Miss WOODALL.

1 Declarations of Interest.

None were received.

2 Application for Conversion and Variation of a Premises Licence for Asda Store, Pevensey Bay Road.

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

The Licensing Manager outlined the report detailing the application from Asda Stores Ltd for the conversion and variation of a premises licence in respect of the above premises. It was reported that the applicant had agreed to amend the application by reducing the hours sought for the sale of alcohol as follows:

- Trade in beer, wine and spirits will not take place after midnight and before 06.00 save for 15 occasions throughout the year when 24 hour trading will be permitted.

Written representations had been received from 2 local residents. Mr T Moles (Chair of the Kingsmere Community Forum) was prepared to withdraw her representations subject to the amendment proposed by the applicant. The representations made by a second local resident concerned noise and nuisance caused by customers who bought alcohol late at night and anti social behaviour experienced by residents on the Kingsmere Estate.

The Sub-Committee then retired to consider and determine the application (as amended) having regard to the representations submitted, including the representations from the interested parties not present at the meeting, the four licensing objectives and the Council's Statement of Licensing Policy.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

RESOLVED That the variation application (as amended) in respect of Asda Stores Ltd, be granted as set out in the attached appendix.

The meeting closed at 10.52a.m.

**B E Taylor
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 17 August 2005

Applicant: Asda Stores Ltd

Premises: Asda Superstore
Pevensey Bay Road
Eastbourne
BN23 6JH

Reasons for Hearing: Relevant representations were received in connection with the licensing objectives concerning noise, nuisance and anti social behaviour from:

Interested parties - 2 local residents (one representation withdrawn subject to the amendment proposed by the applicant).

Parties in attendance: None

Decision made: To grant the variation of the Premises Licence as follows:

Standard hours:

Sale of Alcohol:

Monday	07.30 – 00.00 hours
Tuesday to Friday	06.00 – 00.00 hours
Saturday	06.00 – 23.00 hours
Sunday	10.00 – 22.30 hours

Non-standard hours:

On 15 occasions throughout the year 24 hour trading in beer, wine and spirits will be permitted.

Subject to the following condition (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):

Trade in beer, wine and spirits will not take place after midnight and before 06.00 save for 15 occasions throughout the year when 24 hour trading will be permitted.

Reasons for Decision: The Sub-Committee has granted the application and variation (as amended) of a Premises Licence subject to the condition and hours specified, having taken into account the evidence available, regulations and guidance under the Licensing Act 2003 and the licensing objectives.

The Sub-Committee was satisfied that the application as amended would meet the licensing objectives and reduce the concerns raised by local residents in respect of noise, public nuisance and anti social behaviour.

Date of Decision: 17 August 2005

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant in the case of refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed on the licence.

Full details of all the rights of appeal can be found within Schedule 5 of the Act.

If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.