



## **Licensing Act Sub-Committee - Record of Hearing held on Wednesday 18 July 2007 at 6.00pm**

**MEMBERS:** Councillor THOMPSON (Chairman); Councillors BELSEY and HARRIS.

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### **1 Declarations of Interest.**

None were received.

### **2 Application for a New Premises Licence for Ezee Shop Extra, 19-21 Seaside 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 Ms K Grenda for a new premises licence in respect of Ezee Shop Extra, 19-21 Seaside Road.

The applicant's representative, Mr B Hall made representations in support of the application. Additional information had been submitted within the required deadline and circulated to all parties in advance of the hearing. Mr Hall sought to provide further additional information. The legal advisor advised the Sub-Committee that as the representation had not been disclosed to all parties in advance of the hearing it was not admissible unless all parties were in agreement. The Sub-Committee decided not to accept the submission as it had not been submitted within the required deadline.

Mr Hall stated that the premises which had previously operated as a retail store had now ceased trading. The Seaside Road store would be run on the same lines as the applicant's current store in Cavendish Place. Seaside Road was a regeneration area with a mix retail stores and the proposal would provide a Polish/English convenience store.

Ms Grenda advised the Sub-Committee that the store would sell polish food, beers and vodkas, as well as other alcoholic beverages and foodstuffs which were not Polish. Ms Grenda was unable to indicate when asked what proportion of her estimated turnover was likely to come from alcoholic items and which from other items.

The Cavendish store had not experienced any alcohol related problems and was a member of the Shopwatch scheme. The current store had a CCTV system and a security company had been engaged to provide advice on security measures for the new store. An incident log was kept and written records kept of staff training. Proof of age identification was required if any person appeared to be underage.

Written representations had been received from a number of local businesses as detailed in the Licensing Manager's report. The Sub-Committee was advised that 3 interested parties had subsequently withdrawn their representations.

Ms M Kubaka addressed the Sub-Committee in objection to the application on the grounds that the sale of alcohol at the premises would exacerbate the noise and disturbance in the area caused by underage drinkers.

Mr Hall stated that there was no evidence to suggest that potential customers to the store would add to the problems in the area. Ms Grenda had a proven track record of running a successful store and was responding to a demand for this type of specialist outlet.

The Principal Solicitor advised the Sub-Committee regarding the cumulative impact of licensed premises in an area. A licensing authority is permitted to make specific provisions within its licensing policy statement concerning the cumulative impact of a concentration of licensed premises within an area and their resultant impact on the licensing objectives. A cumulative impact policy had yet to be formally adopted by Eastbourne Borough Council. In the absence of such, the Sub-Committee was required, in accordance with paragraph 3.2.1 of the guidance issued under section 182 of the Licensing Act 2003, to consider whether evidence existed of a real possibility of public nuisance occurring.

The Sub-Committee acknowledged and took into account the letters of representation submitted from interested parties who were not present at the hearing.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted and the further evidence presented at the meeting, the four licensing objectives and the Council's Statement of Licensing Policy. When the Sub-Committee reconvened the Principal Solicitor indicated that she had been called in to provide advice regarding the determination of whether a person resides or operates a business "in the vicinity of" the licensed premises. She confirmed that the Sub-Committee had been advised that all the representations made were relevant in this regard. She had also provided further advice regarding cumulative impact.

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

**RESOLVED:** That the application for a new premises licence in respect of Ezee Shop Extra be granted as set out in the attached appendix.

The meeting closed at 7.24 p.m.

**M Thompson  
Chairman**

# Eastbourne Borough Council

## Decision Notice

### Licensing Act Sub-Committee held on Wednesday 18 July 2007

- Applicant: Karolina Grenda
- Premises: Ezee Shop Extra  
19-21 Seaside Road  
Eastbourne  
BN21 3PP
- Reasons for Hearing: Relevant representations received from interested parties under the public nuisance and prevention of crime and disorder objectives.
- Parties in attendance: Applicants – Ms K Grenda and Mr B Hall (Licensing Consultant)  
Interested Parties – Ms M Kubaka (Polish Delicatessen).
- Decision made: To grant the new Premises Licence as follows:
- Standard hours:**
- Sale of Alcohol: (off the premises)**
- Monday - Sunday                      08.00 – 23.00 hours
- Open to the Public:**
- Monday - Sunday                      08.00 – 23.00 hours
- Subject to the following conditions:
- i) The Designated Premises Supervisor shall join and remain an active member of Nightwatch.
  - ii) CCTV, monitors and appropriate recording equipment shall be installed, operated and maintained following consultation with Sussex Police to a standard specification.
- Reasons for Decision: The Sub-Committee has granted the application for a new Premises Licence subject to the conditions and hours specified having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003 and the licensing objectives.
- The Sub-Committee has weighed up the applicant's submissions alongside the representations made by interested parties, including those who made representations in writing only. It was considered that the concerns relating to public nuisance and crime and disorder could only be met by the imposition of conditions.
- The Sub-Committee disregarded as not relevant to the

application representations made by interested parties relating to the number of licensed premises trading in the area.

Date of Decision: 18 July 2007

Date decision notice issued: 31 July 2007

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.