

Licensing Sub-Committee

6 January 2022



Working in partnership with Eastbourne Homes

Time and venue:

6.00 pm in the Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG

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Membership:

Councillors Peter Diplock (Chair) and Candy Vaughan (Chair)

Reserve: Councillor Robin Maxted

Quorum: 3

Published: Wednesday, 29 December 2021

Agenda

- 1 Appointment of Chair
- 2 Apologies for absence / declaration of substitute members
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct
- 4 Application for a new Premises Licence - 16 Terminus Road, Eastbourne, BN21 4QS (Pages 3 - 44)

Information for the public

Accessibility:

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Public participation:

Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

Information for Councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (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).

Councillor right of address:

Councillors wishing to address the meeting who are not members of the committee must notify the Chairman and Democratic Services in advance (and no later than immediately prior to the start of the meeting).

Democratic Services

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Report to: Licensing Sub-Committee

Date: 6 January 2022

Title: Application for a new Premises Licence. 16 Terminus Road Eastbourne BN21 4QS

Report of: Director of Service Delivery

Ward(s): Devonshire Ward

Purpose of report: To consider representations made against the new Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Officer recommendation(s): To consider representations made against the new Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Reasons for recommendations: Relevant representations made within consultation period

Contact Officer(s): Name: Dean Love
Post title: Specialist Advisor - Licensing
E-mail: dean.love@lewes-eastbourne.gov.uk
Telephone number: 07919 541 488

1 Introduction

- 1.1 Eastbourne Borough Council received an application for a new Premises Licence under the Licensing Act 2003 for 16 Terminus Road Eastbourne BN21 4QS from Mr Anthonippillai Antonvijayarajah. This premises is within the cumulative impact zone. The application is included along with the plan of the premises at **Appendix 1**.

2 The Application

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

Sale by Retail of Alcohol (off the premises)

Every Day 09:00 - 23:00 hrs.

Opening Hours

Every Day 09:00 - 23:00 hrs.

3 Licensing Objectives

- 3.1 When applying for a new 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**.

4 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. The application details are also advertised on the council's website. Several "Responsible Authorities" have also been consulted as part of the process. There was a consultation period of 28 days, from 10 November 2021 to the 7 December 2021, for representations to be made, the applicant conformed with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.2 During the consultation process Sussex Police and the applicant have agreed the wording of conditions, which if the licence was granted, would be added to the licence and these relate to Prevention of Crime & Disorder and Protection of Children from Harm. A copy of this email trail is included at **Appendix 2**.
- 4.3 There have also been three representations submitted by interested parties. These are included at **Appendix 3**. Set out at **Exempt Appendix 4** are the names and addresses of those making representations for the information of the Committee.

5 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
- 5.2 A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a likely effect of a grant (i.e. more probable than not).

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

- 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.
- 6.2 Whilst each application will be considered on its merits, the Licensing Sub-Committee will act to promote the four licensing objectives and have due regard to:
- Eastbourne Borough Council's Statement of Licensing Policy 2019 - 2024.
 - Section 182 Guidance issued by the Home Office.

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 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 to 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.

6.7 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.

7 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’ (any person) 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.

7.5 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.

7.6 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.

7.7 It is stressed that the presumption to refuse an application does not relieve the Responsible Authority or “Interested Party” of the need to provide supporting evidence in conjunction with a relevant representation. This must be submitted before the Licensing Authority may lawfully consider the effect of the Cumulative Impact Policy.

7.8 The Cumulative Impact Policy can be found within the Council’s Statement of Licensing Policy 2019 – 2024.

8 Representations

8.1 A copy of the representations is included at **Appendix 3**, however a summary appears below:

8.2 Four representations have been received, these representations have made comments under Prevention of Crime & Disorder and Prevention of Public Nuisance

8.3 The following summarises whether representations have been received from responsible authorities:

- Sussex Police - No representation.
- Eastbourne Borough Council (Specialist Advisor) Environmental Health - No representation
- Eastbourne Borough Council (Specialist Advisor) Health and Safety - No representation.
- Eastbourne Borough Council (Specialist Advisor) Planning - No representation.
- Eastbourne Borough Council (Specialist Advisor) Licensing - No representation
- East Sussex Fire and Rescue Service - No representation
- Area Child Protection Team - No representations
- Trading Standards (East Sussex County Council) - No representation.
- Primary Care Trust - No representation.

9 Options open to the Sub-Committee

9.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the Licensing Objectives and may:

- Grant the Licence in the same terms as it was applied for.
- Grant the Licence but modify the conditions as appropriate for the promotion of the licencing objectives.
- Grant the Licence but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives.
- Reject the application.

9.2 The Sub-Committee are asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 (Hearing) Regulations 2005 as amended.

9.3 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.

9.4 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case-by-case basis. The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives. The Sub-Committee may not impose any condition unless its discretion has been exercised following receipt of a relevant representation and is satisfied that it is appropriate to promote one or more of the licensing objectives.

10 Financial appraisal

10.1 The cost of delivering the licensing function is fully covered by the Licensing fees.

10.2 A decision made by the Sub Committee may be appealed by any party to the proceedings to a Magistrates' Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

11 Legal implications

11.1 Under section 18 Licensing Act 2003 (as amended), following receipt of an application for a premises licence if relevant representations are received, unless all parties agree that a hearing is unnecessary, the Licensing Authority must hold a hearing. At the hearing the Sub Committee shall, having regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives. The relevant options are outlined in para. 9.1 of this Report.

11.2 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2020, the Human Rights Act 1998 and the Crime and Disorder Act 1998.

11.3 Some of the information included in the representations should be regarded as not relevant to a licensing application under the Licensing Act 2003. However, representations have been reproduced in their entirety and it is for Members to decide how much weight, if any, should be attached to some of the points made.

11.4 Under section 181 and Schedule 5 Licensing Act 2003 there is a right of appeal to the Magistrates' Court in respect of applications for new licences. This right of appeal is open both to the applicant and to any person who has made relevant representations. The appeal application must be made within 21 days of the written notification of the Sub Committees decision to the appellant.

11.5 The Legal section considered this Report on 17 December 2021 (IKEN 10644-EBC-MW).

12 Risk management implications

12.1 There are no risks associated with the content of this report.

13 Equality analysis

13.1 An Equality Analysis is not constructive in this instance.

14 Environmental sustainability implications

14.1 There are no sustainability and/or carbon reduction implications associated with this report.

15 Appendices

15.1 Appendix 1 - Application and plan for a new premises licence under the Licensing Act 2003.

Appendix 2 - Police Agreement.

Appendix 3 - Representations from interested parties.

Appendix 4 - Unredacted Representations from Interested Parties (Exempt under Paragraphs 1 and 2 of Schedule 12a).

16 Background papers

16.1 The background papers used in compiling this report were as follows:

- Section 182 Statutory Guidance to the Licensing Act 2003 available [here](#)
- Eastbourne Borough Council Licensing Statement 2019-2024 available [here](#)
- Human Rights Act 1998.
- Equality Act 2010.
- Crime and Disorder Act 1998.

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APPENDIX I

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Anthonippillai Antonvijayarajah

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 16 Terminus Road			
Post town	Eastbourne	Postcode	BN21 3LP
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 20250	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | |
|--|-----------------------------|
| a) an individual or individuals * | please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | please complete section (B) |
| ii as a partnership (other than limited liability) | please complete section (B) |
| iii as an unincorporated association or | please complete section (B) |
| iv other (for example a statutory corporation) | please complete section (B) |
| c) a recognised club | please complete section (B) |
| d) a charity | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	<input checked="" type="checkbox"/>	Mrs		Miss		Ms		Other Title (for example, Rev)	
Surname Antonvijayarajah					First names Anthonippillai				
Date of birth		[REDACTED]		I am 18 years old or over		<input checked="" type="checkbox"/>		Please tick yes	
Nationality		[REDACTED]							
Current residential address if different from premises address			[REDACTED]						
Post town		[REDACTED]				Postcode		[REDACTED]	
Daytime contact telephone number					[REDACTED]				
E-mail address (optional)		[REDACTED]							
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)									

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? ASAP 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

Please give a general description of the premises (please read guidance note 1)

Convenience store.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment (please read guidance note 2) Please tick all that apply
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day				Outdoors	
Start	Finish			Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors				
				Outdoors				
Both								
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors
					Outdoors
Day	Start	Finish	Both		
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					




I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises				
				Off the premises	X			
				Both				
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	0900	2300						
Tue	0900	2300						
Wed	0900	2300						
Thur	0900	2300				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	0900	2300						
Sat	0900	2300						
Sun	0900	2300						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Anthonippillai Antonvijayarajah
Date of birth	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	Eastbourne BC

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0900	2300	
Tue	0900	2300	
Wed	0900	2300	
Thur	0900	2300	
Fri	0900	2300	
Sat	0900	2300	
Sun	0900	2300	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises is situated in the Cumulative Impact Area in Eastbourne.
We believe that the nature of the premises and the proposals to promote the licensing objectives will not adversely affect the Town Centre.
This application is for a small convenience store in Eastbourne. The sale of alcohol will be secondary to the sale of groceries.
This will be a low-level outlet for sale of alcohol.

CCTV will be installed , Staff will be properly trained, a Challenge 25 Policy will be adopted and a Refusals Register will be maintained.

b) The prevention of crime and disorder

This application is for a small convenience store in Eastbourne. The sale of alcohol will be secondary to the sale of groceries.
This will be a low-level outlet for sale of alcohol.
CCTV will be installed , Staff will be properly trained, a Challenge 25 Policy will be adopted and a Refusals Register will be maintained.
Suggested Condition :

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises and any outside smoking area. The system shall be on and recording at all times the premises licence is in operation.

- a. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- b. CCTV footage will be stored for a minimum of 28 days
- c. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- d. The management will give full cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- e. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- f. Any breakdown or system failure will be notified to the police via 'phone (currently 101) or email immediately and remedied within a time scale to be agreed with Sussex Police.

2. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol. Refresher training shall be conducted thereafter at intervals of no more than six months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to officers of a Responsible Authority.



c) Public safety

All Safety certificates and legal requirements will be maintained. ??
CCTV will be installed , Staff will be properly trained,

d) The prevention of public nuisance

This application is for a small convenience store in Eastbourne. The sale of alcohol will be secondary to the sale of groceries.
This will be a low-level outlet for sale of alcohol.
We do not believe that the nature of the outlet will compromise this licensing objective.
CCTV will be installed , Staff will be properly trained,

e) The protection of children from harm

This application is for a small convenience store in Eastbourne. The sale of alcohol will be secondary to the sale of groceries.
This will be a low-level outlet for sale of alcohol.
We do recognise that children and young people under the age of 18 may attempt to purchase alcohol.
CCTV will be installed, Staff will be properly trained, a Challenge 25 Policy will be adopted and a Refusals Register will be maintained.
We believe this will be sufficient to promote this licensing objective.

Suggested Conditions :

3.The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under the specified age will be asked for photographic ID to prove their age. Signage advertising the “Challenge” policy will be displayed in prominent locations in the premises and shall

include the point of sale and the area where the alcohol is displayed, as a minimum.

4. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The DPS must review and sign the record at intervals of no more than eight weeks. The record must be made immediately available upon request to officers of a Responsible Authority.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.




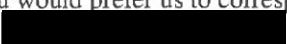
Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

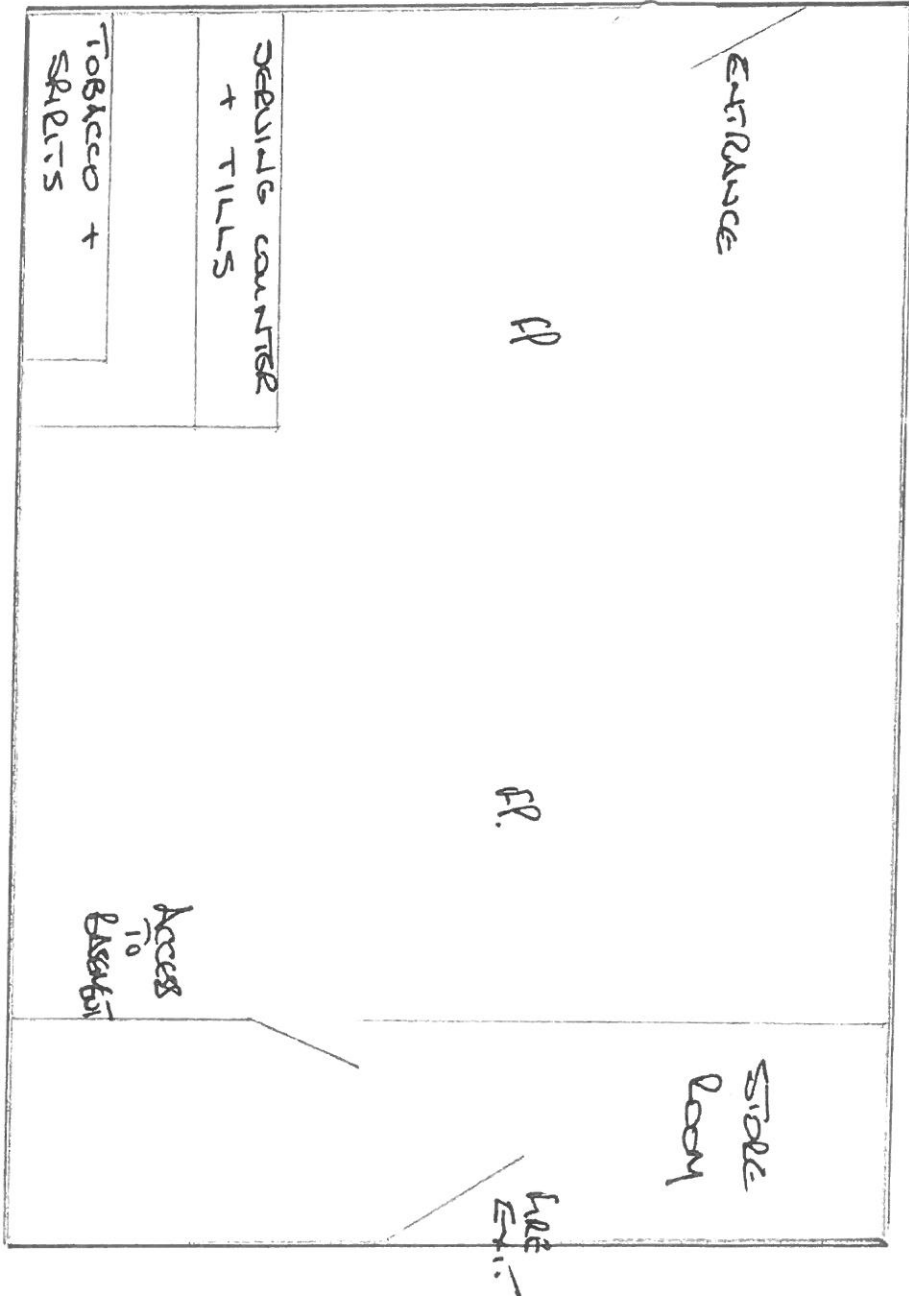
Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Anthonippillai Antonvijayarajah
Date	4 th November 2021
Capacity	Owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Anthonippillai Antonvijayarajah			
			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

TERMINUS BOYS



By TERMINUS BOYS, CASBOURNE BN21 3LF

LICENSED WITH
BONDED IN
RES —

AP - FIRE
DETECTED

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APPENDIX 2

From: Nicola.Fenner@sussex.pnn.police.uk <Nicola.Fenner@sussex.pnn.police.uk>
Sent: 25 November 2021 13:32
To: licensing <licensing@lewes-eastbourne.gov.uk>
Cc: Daren.buck@sussex.pnn.police.uk; eastsussex.licensing <eastsussex.licensing@sussex.pnn.police.uk>
Subject: FW: 16 Terminus Rd Eastbourne - Premises licence application EBC, (ref: 053819)

Dear Eastbourne Licensing

Please find below an email chain between myself and the applicate regarding Sussex police preferred revised wording of conditions for their New premises license. You will also see an email from the applicate agreeing to the wording of our conditions outlined as below.

With Sussex police preferred revised wording of conditions added to the licence, Sussex police would have no objections to the Application for : **Re: Premises licence application Ref: 053819 - Mr Anthonipillai Antonvijayarajah 16Terminus Road, Eastbourne BN21 3LP**

If there is anything else you further require, please do not hesitate to contact me.

Kind regards



Nicky Fenner
07824457101
Sussex Police Licensing Officer – Eastbourne, Lewes, Wealden, District
Neighbourhood Policing Team
Hammonds Drive | East Sussex
EastSussex.Licensing@sussex.pnn.police.uk

From: Anton A
Sent: 24 November 2021 15:59
To: Fenner, Nicola 34237
Subject: Re: 16 Terminus Rd Eastbourne - Premises licence application EBC, (ref: 053819)

Good afternoon,
Thank you for calling me in the morning.
I have read through the conditions, and I agree with them. I will follow them accordingly.
If you need anything further, please contact me.
Thank you,
A Antonvijayarajah

From: Nicola.Fenner@sussex.pnn.police.uk <Nicola.Fenner@sussex.pnn.police.uk>

Sent: 24 November 2021 11:42

To: [REDACTED]

Subject: RE: 16 Terminus Rd Eastbourne - Premises licence application EBC, (ref: 053819)

Dear Mr Antonvijayarajah

Thank you for taking my call this morning. I understand that my email has not reached you and as explained Sussex police emails sometimes can be found in the junk box.

As per our telephone conversation I explained that I will be sending some preferred revised wording of conditions that Sussex police would like to see on any premises licence. The conditions added as below, I ask that you read through them and if you agree simply reply via this email that you agree with the wording/conditions, if however you do not agree please state which conditions and why.

I must remind you that all applications are time limited and any delay or non-agreement between Sussex police and yourself of the added conditions could lead to Sussex police objecting to your application.

Please respond to this email no later than 30th November 2021

Revised wording of conditions for 16 Terminus RD Eastbourne

CCTV:

a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

c) CCTV footage will be stored for a minimum of 31 days.

d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.

h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

Training/Authorisation:

a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products: *The lawful selling of age restricted products *Refusing the sale of alcohol to a person who is drunk

b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

Challenge 25:

a) The premises will operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.

b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

Incident/Refusal Log:

a) An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least fortnightly intervals of no more than four (4) weeks.

b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

d) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

Off-Licence:

- a. No beer, lager or cider with an ABV of 6% or above shall be sold at the premises. This prohibition shall not apply to premium beer, lager or cider with an ABV of 6% or above such as craft or speciality brands, brands produced by a micro-brewery or brands produced to commemorate a national or local event.
- b. All alcohol will be kept behind the serving counter beyond arms reach of customers.
- c. Alcohol products will not be displayed within a three (3) meter radius of the front entrance other than behind the serving counter out of reach of the public.

Kind regards



Nicky Fenner

07824457101

**Sussex Police Licensing Officer – Eastbourne, Lewes, Wealden,
District**

Neighbourhood Policing Team

Hammonds Drive | East Sussex

EastSussex.Licensing@sussex.pnn.police.uk

APPENDIX 3

From: REDACTED

Sent: 25 November 2021 18:07

To: licensing <licensing@lewes-eastbourne.gov.uk>

Subject: RE: Representation in respect of application for Off Licence at 16 Terminus Road, Eastbourne

I wish to lodge a representation in respect of the above matter, being in the following categories:-

- 1 Prevention of crime and disorder; and
- 2 Prevention of public nuisance.

As someone who has lived and worked for many years in central Eastbourne, I am concerned by the proliferation of premises with off licences in the central area of the town.

The issue of on-street drinking has been well publicised over the last few years and only appears to be getting worse in Eastbourne's town centre. Whilst another off licence in the area will not solve the problem, it can only exacerbate it.

Unfortunately, once given, alcohol licences for "off premises consumption" rarely seem to be withdrawn and yet they appear to fuel the growing problem with the on street drinking culture. It is time that the Council's licensing department started to limit the number of new licences being granted until such time as the current issues with on street drinking have been brought firmly under control.

Yours faithfully

REDACTED

From: REDACTED

Sent: 02 December 2021 12:23

To: licensing <licensing@lewes-eastbourne.gov.uk>

Subject: Objection to Licensing Application, 16 Terminus Road, Eastbourne, BN21 3LP

To whom it may concern –

I would like to officially raise some concerns about a recent Licensing Application for the Sale of Alcohol by retail (off premises) from a proposed retail outlet at 16 Terminus Road.

My main concern is that another late night alcohol sale point has the potential to exasperate, and to contribute, to already rising levels of anti-social behaviour, and a noticeable increase in "street drinking" in the station area over the past year. I live in a 1st floor flat, opposite the station, facing out across Terminus Road, from which I get first-hand visual evidence of these problems. Late night drunken arguments, and alcohol-fuelled physical altercations, have unfortunately become an all too common phenomenon in this area.

The recent opening of Kenito's (34 Terminus Road) a fast food outlet, has already seen another contributory source of late night noise. Apart from sale of fast food, and alcohol, it serves as a congregating point, where loud, and often, anti-social behaviour is allowed to occur, unchallenged by staff members. Kenito's is open until at 1-2 o'clock in the morning. I personally have been sworn at, and verbally abused, by a group of a dozen young men who I felt the need to verbally challenge as to why they thought it acceptable to hang around outside my flat shouting and swearing at each other at 2 o'clock in the morning.

There is already a well-established, and responsibly run, retail shop selling off premises alcohol until 10pm each night. It is noticeable that this retail outlet, Kass Convenience Store (28 Terminus Road) has attracted very little anti-social behaviour in the 6 years that I have been living at my current address. The owners do not tolerate bad behaviour in, or outside, their premises. Younger people will be asked to produce photo ID as a matter of course, before being allowed to purchase alcohol. I have personally witnessed this, on multiple occasions. I would hope that any new potential retail outlet in the area would be equally responsible, and would have some track record of well-managed retail outlets, before being granted a license to sell alcohol late at night. I am aware that the granting of licenses to new businesses, providing a similar service, to existing stores is not a mitigating factor in your decision to grant, or decline, a licence application, but considering the potential deleterious effects of granting a license to an irresponsibly run establishment should definitely be a factor when arriving at your decision.

I am not someone who is overly sensitive to late-night noise – I moved to the town centre, very aware that it would mean late night activity and noise, as a result of closing time at the local pubs and bars, and is not something that I find objectionable. I do, however, have concerns that further outlets selling alcohol, late at night, may give rise to further congregating, and has the very real potential to be a contributory cause of anti-social behaviour in the area.

I hope you will, at least, take my concerns on board, when considering this particular licensing application.

Kind regards,

REDACTED

From: REDACTED

Sent: 07 December 2021 19:48

To: Dean Love <Dean.Love@lewes-eastbourne.gov.uk>

Cc: REDACTED

Subject: Re: Premises licence application (post) EBC, (ref: 053819)

Dear Dean

Thank you for explaining this to me. I am typing a reply before midnight on 7th December (19:33).

To put my representation into the categories that you have requested:

Prevention of Crime & Disorder

As a REDACTED, I am all too familiar with the link between alcohol and crime & disorder. There are already more than enough alcohol vendors in and around that section of Terminus Road with no shortage of street drinking. I work in REDACTED and see this regularly. Walking through the town centre in the evenings is already an unpleasant experience, with too many intoxicated people around.

Public Safety

The link between alcohol and public safety is similarly well-established. I feel unsafe walking past street drinkers and this will undoubtedly be even worse for those more vulnerable than me.

Prevention of Public Nuisance

Street drinkers cause considerable nuisance, through antisocial behaviour that includes littering around Terminus Road and The Avenue. Some people drink alcohol on the benches on the corner of The Avenue, others on the health centre wall; I am forever picking up discarded bottle & cans that contained alcoholic drinks. This is discouraging to clients of CGL, the alcohol service, that is working with people who want to manage problem drinking.

Yours sincerely

REDACTED

From: REDACTED

Sent: 22 November 2021 18:10

To: Licensing@lewes-eastbourne.gov.uk <Licensing@lewes-eastbourne.gov.uk>

Subject: License of sale of alcohol by retail(off premises)

Dear licensing authority

My name is REDACTED I've seen the notice on number 16 terminus road Bn21 3lp they are trying to get a license to sell alcohol off premises which is made by MR Anthonippillai Antonvijayrajah I think they should not be granted license because we already have enough off licenses in terminus road and there is no need to have another one, and there is already anti social behaviour and noises and also recently there is group of May be 20 children's 14 or15 years old hanging around out side of chicken shop. And they selling alcohol kids outside the shop asking walking pass . Buy alcohol for them. I been witnessed group of children beating a guy up badly outside the train station. Week after. I so anther incidents . Group of young people getting two guys out of taxi started betting up from taxi ranks to out side honey be coffee shop. There is already to many drunk and disorders in the area. We have been running our shop in this area since 2003 and we know all the children whom have grown up and we know adults, we have built a respectful community amongst our customers and we are fully aware who to serve and who not to serve, we are also very strict on asking ID and we don't let kids underage hanging around near our shop and we tell them to leave, our license is valid to sell till midnight but we chose to close early so we can stop nose disorder and public safety, Mr anthonippillai he already owns Kenitos which is 32 terminus road and he is already selling alcohol and is not operating his current shop in a proper way because he is selling alcohol to anyone, they do not sell alcohol with food the customers come into the shop get the alcohol anytime, they open their shop at 11am and close at 3 am and they sell alcohol during the whole day which they should not be serving them and they are breaching their license already, they came to eastbourne just over a year ago and they did not know anyone in eastbourne, I helped them out during that time find place to leave being a guarantor for them.and now they want to open a off license shop 2 doors from Kass connivence store. I had a chat with him on Sunday I asked him why are you doing this I've already got a shop here, he responded "I'm Sri Lankan im a bad man and he said give me 100 thousand pounds and I won't open it" his plan is to open the shop and make the shop established and sell it

He already has many shops in London, I don't think he deserves to be granted a license. As he isn't even here working in his own shop and the people who are working for him are not designated supervisors, and sell quantities of alcohol 2 liters, (in chicken shop)and just sell alcohol on a separate not with food, and they also do delivery for alcohol are they allowed to sell alcohol via delivery? I hope you make the right decision for the community thank you.

Kind regards REDACTED

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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