

**Licensing Sub-
Committee
1 November 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

Membership:

**Councillors Colin Belsey, Robin Maxted and Amanda Morris
Councillor Vaughan (Reserve)**

Quorum: 3

Published: Monday, 24 October 2022

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: Tesco Express, 83-85 Terminus Road, Eastbourne, BN21 3NJ. (Pages 3 - 38)**
Report of the Director of Service Delivery.

Information for the public

Accessibility:

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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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Agenda Item 4

Report to:	Licensing Sub-Committee
Date:	1st November 2022
Title:	Application for a new Premises Licence. Tesco Express, 83-85 Terminus Road, Eastbourne BN21 3NJ
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: Jade Marshall Post title: Specialist Advisor - Licensing E-mail: jade.marshall@lewes-eastbourne.gov.uk Telephone number: 07984 552275

1 Introduction

- 1.1 Eastbourne Borough Council received an application for a new Premises Licence under the Licensing Act 2003 for Tesco Express, 83-85 Terminus Road, Eastbourne, BN21 3NJ from Tesco Stores Limited. The application is included at **Appendix 1**.
- 1.2 Alongside the application a plan of the premises was submitted, and this can be found at **Appendix 2**.
- 1.3 83-85 Terminus Road is a commercial premises on the main street in Eastbourne High Street. Previously occupied by the clothing shop Monsoon.

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:
- 2.2 **Sale by Retail of Alcohol (Off the premises only)**
Every Day 06:00hrs until 00:00hrs.

2.3 **Provision of Late Night Refreshment (Indoors only)**

Every Day 23:00hrs until 00:00hrs.

2.4 **Opening Hours**

Every Day 06:00hrs until 00:00hrs.

2.5 **General Description**

Tesco is a large national operator with companywide policies and procedures. This premises is planned to be a Tesco Express of which there are currently many in Eastbourne.

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 the 8th September 2022 until midnight on the 5th October 2022, 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 period one representation was made by a Responsible Authority, Sussex Police. This can be found at **Appendix 3**. Please note although the Police's Representation Letter states the 5th September, I have confirmed with them that this was indeed a typo and was instead meant to read the 5th October.

4.3 Two more representations were received from members of the public. These can be found at **Appendix 4 and 5**.

4.4 Members are asked to note that not all the information provided within these representations is valid against the four Licensing Objectives within the Licensing Act 2003.

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.

Eastbourne Borough Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the Licensing Act 2003.

6.3 Members are asked to consider, in particular, section 12 Prevention of Crime and Disorder and section 14 Prevention of Public Nuisance of the Statement of Licensing Policy when making a decision on this application.

7 Representations

7.1 A copy of the representations are included at **Appendix 3, 4 and 5**.

7.2 The applicant was unable to come to an agreement with Sussex Police after the Police had asked the Applicant to vary the store closing times from 23.00hrs to 22.00hrs and, to have SIA staff present at the premises door from 20.00hrs on a Friday, Saturday and Bank Holidays. It was not deemed productive to try to mediate with the other representators.

7.3 **Two** representations have been received, these representators have made comments under Prevention of Public Nuisance and Crime and Disorder.

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

- **Sussex Police** - Representation received, relating to Prevention of Crime and Disorder and Public Nuisance.
- **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.

8 Options open to the Sub-Committee

- 8.1 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.
- 8.2 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.
- 8.3 The Sub-Committee may also consider any other matters that may negatively impact upon the Licensing Objectives and exercise their powers to impose conditions, or take the appropriate action as they see fit, in order to promote the Licensing Objectives.
- 8.4 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered 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.

9 Financial appraisal

- 9.1 There are no specific financial implications arising from this application as the cost of delivering the licensing function is fully covered by the Licensing fees.
- 9.2 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.

10 Legal implications

- 10.1 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 representation, take such steps as it considers appropriate for the promotion of the licensing objectives. The relevant options are outlined in para. 8.1 of this Report.
- 10.2 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.
- 10.3 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 Committee's decision to the appellant.
- 10.4 The Legal section considered this Report on 21 October 2022 (IKEN – 11419-EBC-MW).

11 Risk management implications

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

12 Equality analysis

- 12.1 An Equality Analysis is not constructive in this instance.

13 Environmental sustainability implications

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

14 Appendices

- 14.1
- Appendix 1 - Application for a new premises licence.
 - Appendix 2 - Plan of premises.
 - Appendix 3 - Police Representation.
 - Appendix 4 - Representation from a member of the public.

- Appendix 5 - Representation from a member of the public.

15 Background papers

15.1 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.

PUBLIC NOTICE

Licensing Application

Application for the Grant of a Premises Licence

Notice is hereby given that, an application has been made by **Tesco Stores Limited** to the Licensing Authority for Eastbourne Borough Council for the grant of a Premises Licence at **Tesco Express, 83-85, Terminus Road, Eastbourne, East Sussex, BN21 3NJ**

The application includes the following proposal for licensable activities to be carried on or from the premises:

- The provision of late-night refreshment (indoors) on the following days: Monday-Sunday, 23:00-00:00
And
- The sale by retail of alcohol for consumption off the premises on the following days: Monday-Sunday 06:00-00:00

The register for the Licensing Authority for Eastbourne Borough Council is kept at the Council Offices, Town Hall, Eastbourne, BN21 4UG. The application may be viewed by appointment – please contact licensing@lewes-eastbourne.gov.uk

Responsible authorities or other persons may make representations at any time on or before midnight on: **05/10/2022**

All representations shall be made in writing to the Licensing Officer at Eastbourne Borough Council, Town Hall, Eastbourne, BN21 4UG or licensing@lewes-eastbourne.gov.uk

It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which a person is liable is unlimited, on summary conviction for the offence.

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 Tesco Stores Limited

(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			
Tesco Express, 83-85, Terminus Road, Eastbourne, East Sussex, BN21 3NJ			
Post town	Eastbourne	Postcode	BN21 3NJ

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£ N/a – Property not on the VOA. Payment made in Band C

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | 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):

- We are 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/>	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 Tesco Stores Limited
Address Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, Hertfordshire, AL7 1GA
Registered number (where applicable) 00519500
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) [REDACTED]
E-mail address (optional) Licensing.Team@tesco.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

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

N/A

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)

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
			<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)		

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur								
Fri						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 (please read guidance note 6)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			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 (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur								
Fri								
Sat						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 (please read guidance note 6)		
Sun								

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur								
Fri						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 (please read guidance note 6)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the performance of dance (please read guidance note 5)		
			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 (please read guidance note 6)		

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00			
Thur	23:00	00:00			
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun	23:00	00:00			
			<u>State any seasonal variations for the provision of late-night refreshment</u> (please read guidance note 5)		
			<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)		

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	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	06:00	00:00			
Tue	06:00	00:00			
Wed	06:00	00:00			
Thur	06:00	00:00			
Fri	06:00	00:00			
Sat	06:00	00:00			
Sun	06:00	00:00			
			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)		

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 Mr. Steven Nicholas Andrzejuk	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

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).

N/a

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	06:00	00:00	<p><u>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</u> (please read guidance note 6)</p>
Tue	06:00	00:00	
Wed	06:00	00:00	
Thur	06:00	00:00	
Fri	06:00	00:00	
Sat	06:00	00:00	
Sun	06:00	00:00	

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)

Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems, and training to ensure that they sell alcohol in a responsible manner.

There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and records kept.

b) The prevention of crime and disorder

We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.

A member of the management team will be on the premises all the time the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.

c) Public safety

The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has policies and procedures in place to be confident of complying with the relevant obligations which arise.

d) The prevention of public nuisance

The company has a “good neighbour” ethos which seeks to ensure that the premises plays an active part in the local community.

e) The protection of children from harm

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.

All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.

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.**

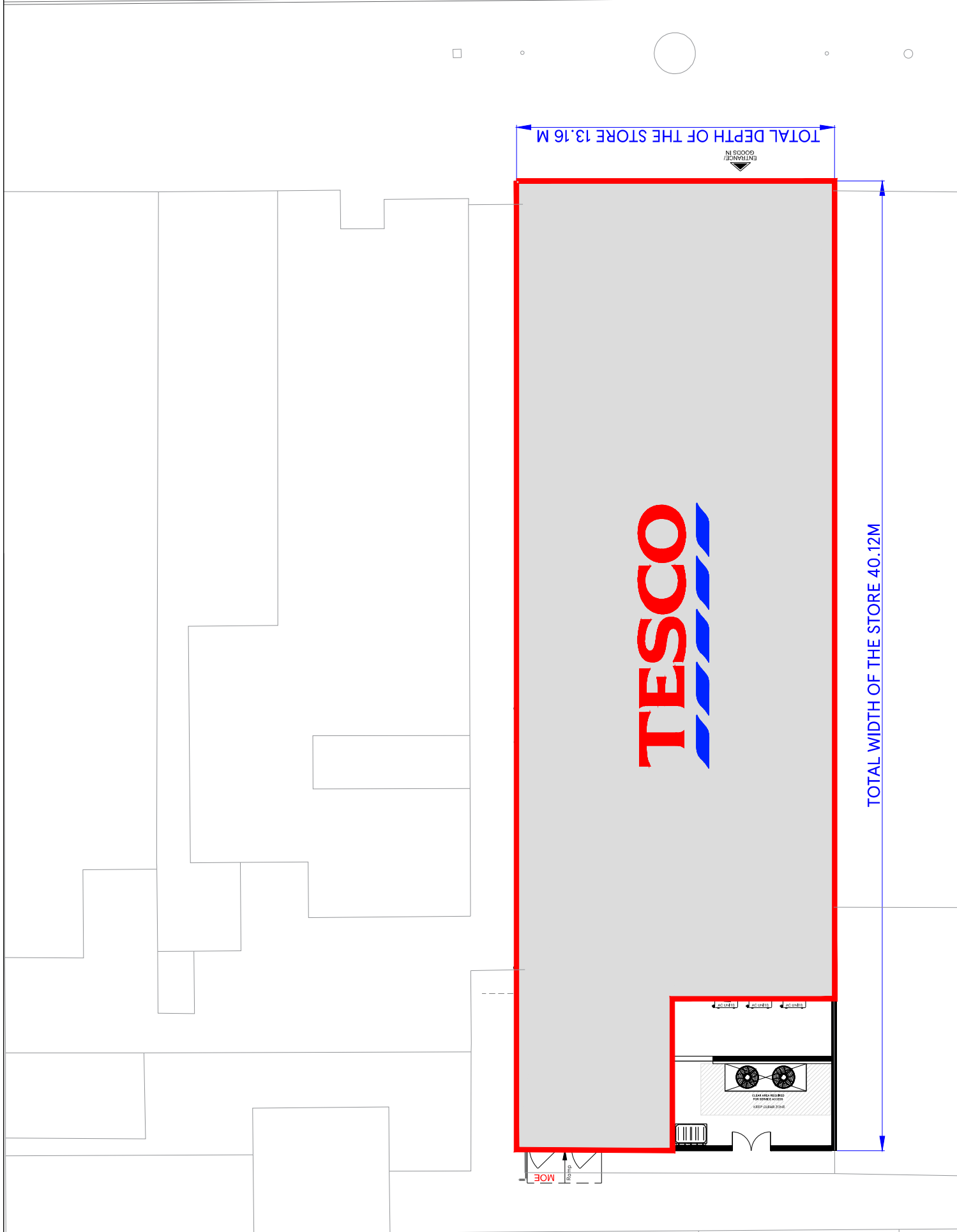
Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am 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	
Date	07/09/2022
Capacity	Ms. Hardish Purewal – Licensing Manager (Duly Authorised Agent)

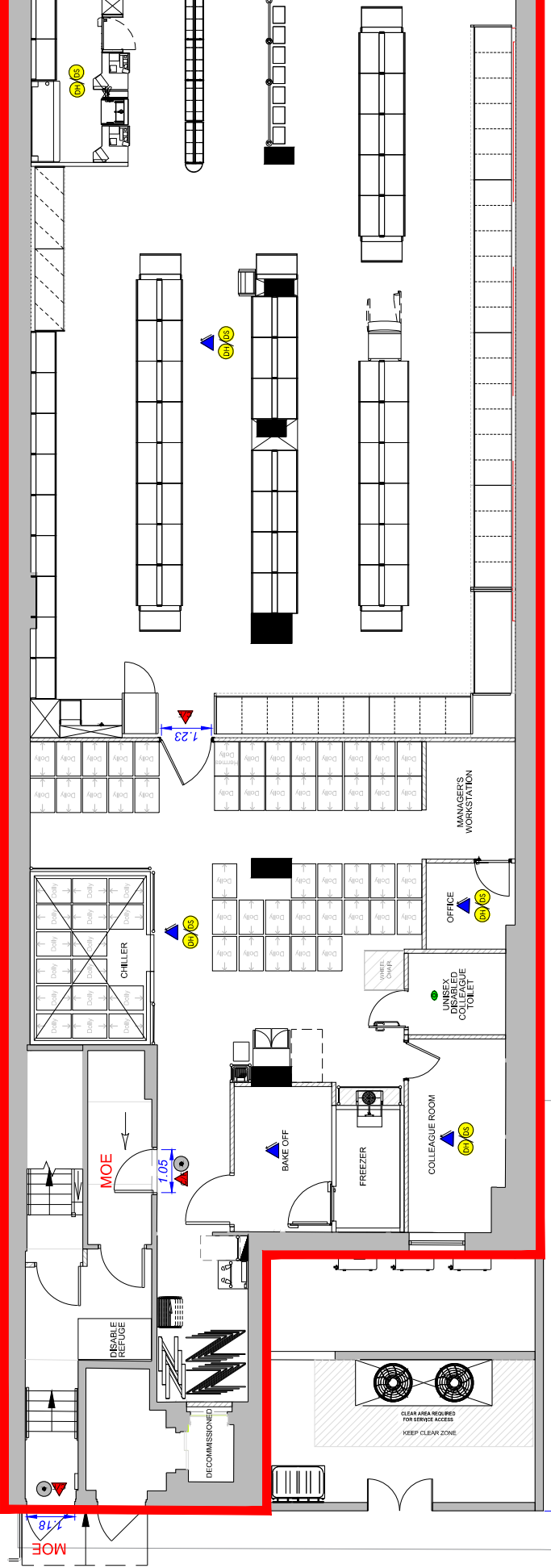
For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Tesco Licensing Team, 5 Falcon Way (Maldon), Shire Park			
Post town	Welwyn Garden City	Postcode	AL7 1TW
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Licensing.Team@tesco.com			

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TOTAL WIDTH OF THE STORE 40.12M



East Sussex Licensing

Date: 05th September 2022

Senior Licensing Officer
Eastbourne borough Council 1 Grove Road, Eastbourne BN21 4UG

Dear Senior Licensing Officer

RE: APPLICATION FOR NEW PREMISES LICENCE FOR Tesco Stores Ltd 83-85 Terminus Rd, Eastbourne , BN21 3NJ
NOTICE OF OBJECTION under Section 18 (7) of the Licensing Act 2003

Notice of objection is hereby given on behalf of the Chief Officer of Police for Sussex for the above premises license on the grounds of the licensing objectives: of prevention of crime and disorder and public nuisance.

Sussex Police received the application on 08th September 2022, which seeks to licence the provision of late night refreshment (indoors) on the following days: Monday-Sunday 23:00-00:00 and the sale by retail of alcohol for consumption off the premises on the following days: Monday-Sunday 06:00-00:00

Sussex Police's rationale for objecting to this application seeks to cease trading including the sale of alcohol at 00:00. Sussex Police proposed on 15th September 2022 the store closing at 22:00 would be more justified for the location and the current crime and disorder in the area. The store is located in a high harm hotspot for public place violent crime and street drinking causing a significant impact on Ant-Social Behaviour in the area which does include littering and urinating in public places.

The location is covered by a Public Space Protection Order to tackle street drinking and its associated anti-social behaviour and public place violent crime. The store is located where the street community frequent regularly.

Sussex Police proposed on 15th September 2022 that SIA to be present at the premises door from 20:00 on a Friday, Saturday and Bank Holidays.

For the Postcode Search of BN21 3NJ, within a 0.15 mile radius, over the space of a year – this being from 01/09/2021 – 30/09/2022 741 incidences had been recorded 467 of those as 'violence against a person' 154 as 'public order' 41 as 'sexual offences' 20 as 'drug offences' 38 as 'arsons and criminal damage' 11 as 'possession of offences weapons' and 10 as 'miscellaneous crimes against society'. Friday 22:00-23:00 there are 13 incidences of 'violence's against a person'. Saturday there are 12 incidents of 'violence against a person' and Friday – Saturday there are 3 incidences of 'sexual offences' between 2200-2300.

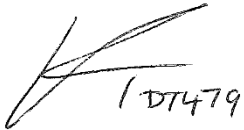
The area also attract a significant shoplifting, searching over the same period of time as above, there were 265 recorded incidences of theft, the highest number being recorded on Saturdays.

APPENDIX 3

The applicant has not; yet wished to comment on this proposed condition until she had secured some data regarding this, however this data has still not been supplied to Sussex Police, as true at the time of writing this letter (05th September 2022)

I confirm that a copy of this objection letter has been sent to the application manager on 05th September 2022.

Yours sincerely,



1 DT479

Insp Tombling
Licensing Inspector
East Sussex Licensing
Sussex Police

Please address all future correspondence to Licensing Officer Phil Joseph, eastsussex.licensing@sussex.pnn.police.uk

Licensing Police Staff are currently working from home, email is the preferred method of communication.

From: REDACTED
Sent: 14 September 2022 13:05
To: licensing <licensing@lewes-eastbourne.gov.uk>
Subject: Fwd: Tesco License Application - 83-85 Terminus Road Eastbourne

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Afternoon,

I have seen there is a licence application in for the above address for the hours 0600 – 0000 for the sale of alcohol.

I have some concerns about this application and wish to put in a representation against this for the following reasons;

- Location is in the middle of town centre amongst a crime hotspot from latest Police figures, therefore it is likely to attract further criminal activity through shoplifting and ASB from street community
- This location is where street community collect food and bedding on certain evenings every week it is inevitable that this will cause them to linger in this location
- Within a short distance of this location there is a Sainsburys, CO-OP, M&S, 4 off licences I cannot see the need for another venue to supply alcohol and certainly not until this time.

If this is granted I would wish for the following conditions to be included;

- SIA doorstaff during opening time
- Active member of the local shopwatch scheme
- High percentage alcohol to be behind the counter at all times

Many Thanks,

REDACTED

Eastbourne Resident

Contact Number REDACTED

On 16 Sep 2022, at 16:11, Jade Marshall <Jade.Marshall@lewes-eastbourne.gov.uk> wrote:

Dear REDACTED,

Licensing Act 2003
Premises licence application- Tesco Express
83-85 Terminus Road, Eastbourne

I write concerning correspondence which was received by my office on the 15th September 2022.

Please be advised that any representation, along with your details will normally be released to the applicant and/or their Agents as part of the process, unless you indicate that there are specific circumstances where you believe that your details should not be released. Please inform us of this within 24 hours of receipt of this letter.

Frequently, a meeting is convened between the applicant and those making representations, which on occasion is attended by members of the Council Licensing Team in order to resolve matters informally. I would be happy to act as a mediator in any meetings held. Please let me know if you would be happy to meet with the applicants or if there is anything that the applicants can amend to alleviate your fears.

Your representations, and details in part, will also be included as part of any subsequent Committee Report in order for all parties to be informed of your representation.

I must remind you that any representations must relate to the Licensing Objectives which are:

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

Please note parts of your representation will not be taken into account as they do not relate to the Licensing Objectives.

The initial consultation period for relevant representations finishes on 5th October 2022 and, where necessary, a hearing will be convened which you will be invited to attend to support your representations should any mediation not be successful.

Kind regards,

Jade

Jade Marshall

Specialist Advisor Regulatory Services (Licensing)
Lewes & Eastbourne Borough Councils

Tel: 07984552275

Email: Jade.Marshall@lewes-eastbourne.gov.uk

Web: www.lewes-eastbourne.gov.uk

From: REDACTED
Sent: 16 September 2022 17:08
To: Jade Marshall <Jade.Marshall@lewes-eastbourne.gov.uk>
Subject: Re: Representation- Tesco, 83-85 Terminus Road, Eastbourne

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jade,

I have no issues with my details being shared nor meeting parties involved but that won't be through mediation it will be at a committee as a whole heartedly object to this application.

All points relate to crime and disorder, along with to a degree a nuisance. I am fully aware of what the licensing objectives are.

By having alcohol available in this location during the proposed hours 0600 - 0000 with the other activities that occur here it will encourage individuals with addictions to frequent this location and inevitably target the store. Having worked in the town centre for 16 years and frequent the town centre on a daily basis, I feel I am far more acutely aware of how this will impact the town than yourself. You are aware that this location is where addicts often with alcohol and drug addictions wait in the mornings prior to going to pharmacies for their medication?

By having too many convenience stores that sell alcohol within close proximity will in fact hinder any attempts to prevent crime and disorder, therefore this is a valid point and does fit within the licensing criteria.

If you could elude to what else you feel can't be included that would be grateful, it would have been useful to detail it in your response rather than be vague.

Regards,

REDACTED

Afternoon REDACTED,

Thank you for your email response dated 16th September 2022. As you have expanded on your original representation comments this will be included in the committee report.

Kind regards,

Jade

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----- Original message -----

From: [REDACTED]
Date: 23/09/2022 17:36 (GMT+00:00)
To: licensing@lewes-eastbourne.gov.uk
Subject: Tesco licensing application

Dear Sir/Madam,

I wish to strongly object to the application by Tesco Ltd for a licence to sell alcohol between the hours of 0600 - 0000 from their new outlet in Terminus Road, Eastbourne.

Given that there is already a serious problem regarding anti-social behaviour in the town centre, fuelled by alcohol and obvious drug use, it would be beyond comprehension that a licence could be granted that would make access to alcoholic drinks so freely available from very early in the morning until late at night.

I have myself witnessed very threatening behaviour in this section of Terminus Road, which had all the hallmarks of being exacerbated by alcohol and/or drug abuse.

The Licensing Authority must put both the safety of the public and their right to a pleasant experience in Eastbourne town centre as the No.1 priority when considering this issue.

Yours faithfully,

[REDACTED]

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