

Report to: Licensing Sub-Committee

Date: 25th November 2024

Title: Application for a Full Variation of a Premises Licence for Seaford Dane Road Service Station, Station Approach, BN25 2DH

Report of: Director of Service Delivery

Ward(s): Seaford

Purpose of report: To consider representations made in relation to a Full Variation of a Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Officer recommendation(s): To consider representations made in relation to a Full Variation of a Premises Licence application under the Licensing Act 2003 and make a decision on the application.

Reasons for recommendations: Relevant representations were made within consultation period

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1 Introduction

1.1 Lewes District Council received an application for a Full Variation of Premises Licence under the Licensing Act 2003 for **Seaford Dane Road Service Station, Station Approach, Seaford, BN25 2DH**. The application is included at **Appendix 1**.

1.2 The current premises licence can be found at **Appendix 2**.

2 The Application

An application for the grant of a Full Variation of a Premises Licence under the Licensing Act 2003 for the following licensable activities

2.1 **Extend Sale by Retail of Alcohol (Off the premises)**

Monday to Sunday 24 Hours

Current hours are Monday to Sunday 06:00hrs until 00:00hrs

2.2 **Add Late Night Refreshment (Indoors and Outdoors)**

Monday to Sunday 23:00hrs until 05:00hrs

2.3 **Change Opening Hours to**

Monday to Sunday 24 Hours

Current opening hours are Monday to Sunday 06:00hrs until 00:00hrs

2.4 **Change Conditions**

Remove current conditions as per Appendix 2, Annex 2 and add offered conditions. These can be found under section 16 of Appendix 1.

3 **Licensing Objectives**

- 3.1 When applying for a Full Variation under the Licensing Act 2003, the applicant has the option to include any additional 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 2rd October 2024 until midnight on the 30th October 2024, for representations to be made.
- 4.2 The applicant complied with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.
- 4.3 During the consultation period two representations were received from two members of the public. These can be found at **Appendix 3**.
- 4.4 At the time of writing this report it is uncertain if the applicant has made contact in an attempt to mediate with the representors.
- 4.5 Members are asked to note that not all the points of information provided within the representations are 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 variation 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 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:

- Lewes District Council’s [Statement of Licensing Policy 2022](#).
- [Section 182 Guidance issued by the Home Office](#).

7 **Representations**

7.1 A copy of the representations is included at **Appendix 3**.

7.2 **‘Interested Parties’**

Two representations have been received by two people, the representors have made comments under Prevention of Public Nuisance.

7.3 **Representations from Responsible Authorities**

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 representation
- **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:
- Modify the conditions on the licence
 - Modify the hours of licensable activity
 - Reject the whole of the application
 - Reject part of 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 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.
- 8.4 The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.
- 8.5 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 34 Licensing Act 2003, a holder of a premises licence may apply to the Licensing Authority for a variation of a licence, in certain circumstances. Under section 35, when relevant representations are made during the consultation period, the Authority must hold a hearing to consider the representations and having regard to those representations take such steps as it considers appropriate for the promotion of the licensing objectives.
- 10.2 Under section 181 and Schedule 5 (4) 2003 Act there is a right of appeal to the Magistrates' Court within 21 days of the appellant being notified of the written decision.

10.3 The Legal Section considered this report on 13 November 2024 (IKEN 13479-LDC-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 full variation
 - Appendix 2 – Current premises licence
 - Appendix 3 – Representations

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
 - Lewes District Council Licensing Statement 2019-2024
 - Human Rights Act 1998
 - Equality Act 2010
 - Crime and Disorder Act 1998