

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Monday 13 May 2013

- Premises Licence Holder:
Premises: Tesco Stores Ltd
Tesco, 68 Grove Road
- Reasons for Hearing: Relevant representations received from interested parties under the prevention of public nuisance and prevention of crime and disorder licensing objectives, arising from the Council's Cumulative Impact Policy.
- Parties in attendance: Applicant:
Mr Jeremy Bark (Berwin Leighton Paisner LLP), Mr Greg Bartley (Tesco Stores Ltd) and Mr Steve Smith (Tesco Stores Ltd)
- Interested Parties: Mr Hayder Rasul
- Licensing Authority:
Mr Jay Virgo (Senior Specialist Advisor) and Mr Geoff Johnson (Regulatory and Litigation Lawyer).
- Decision made: That the application be granted on the following grounds:
- Open to the Public:**
- Monday – Sunday 07.00 hours – 23.00 hours
- Supply of Alcohol (off the premises only)**
- Monday – Sunday 09.00 hours – 22.00 hours
- Subject to the following conditions:
- All spirits with an Alcohol by Volume (ABV) of over 12% will not be available for self service and will be displayed for sale behind the checkout area only and must be covered outside of the licensable hours.
 - No alcohol will be displayed for sale within 3 metres of any public entrance/exit of the premises.
 - A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of,

and in consultation with the Police. Such a system shall:

- Be operated by properly trained staff.
 - Be in operation at all times that the premises are being used for a licensable activity.
 - Ensure coverage of all public entrances and exits to the licensed premises.
 - Ensure coverage of such other areas as may be required by the Licensing Authority and Police.
 - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained (on tape or otherwise) for a period of 28 days, and shall be supplied to the Licensing Authority or Police on request.
- No persons carrying open vessels of alcohol shall be admitted to the premises at any time.
 - If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police should be called to support.
 - A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after customers and staff. The store will adhere to all rules and regulations relating to public safety.
 - The premises will not stock any beer/lager/cider with an ABV of over 5.5%, without prior written agreement of the Police.
 - When requested by either the Licensing Authority or Police the premises licence holder shall withdraw any brand of alcoholic drinks or size of bottle from sale at or from the premises.
 - The Designated Premises Supervisor or other responsible person appointed by the Designated Premises Supervisor shall take part in Police led initiatives, as well as regularly attend any meetings organised by the Police in relation to those initiatives.
 - The premises will not sell any cans/bottles of lager/ beer/ cider where the individual unit size is 440ml or less in packs of less than 4.
 - Any customer will be banned from the premises if they are identified as attempting to purchase alcohol on behalf of

persons under 18 and persons who are already prohibited from entering the store.

- A Challenge 25 scheme shall operate at the premises. All staff will be trained and refreshed on Challenge 25 policy. Training will be recorded and made available for inspection on the request of enforcement authorities. Any person who appears to be under the age of 25 shall not be served alcohol unless they produce an acceptable form of identification (Passport or PASS accredited card). Challenge 25 notices will be displayed in prominent positions throughout the premises.
- When alcohol is processed through the store tills, a till prompt will appear reminding the cashier of their responsibilities that they must sell alcohol legally. The cashier will have to make a positive action to continue the sale of alcohol.
- As a national reputable retailer, Tesco are encouraged to participate in local community and alcohol awareness campaigns where appropriate.

Reasons for Decision: The Sub-Committee has granted the application for a Premises Licence subject to the conditions specified having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003, the licensing objectives, the Council' Cumulative Impact Policy and the Council's Statement of Licensing Policy.

The Sub-Committee has weighed up the applicant's submissions alongside the representations made by the interested parties. On balance it was considered that the applicant has provided sufficient evidence to rebut the presumption against granting the application arising from the Council's Cumulative Impact Policy.

The additional conditions to the licence proposed by Sussex Police and agreed with the applicant prior to the meeting was necessary to promote the licensing objectives.

In addition to this the Sub-Committee suggested that it would be useful if Tesco could participate in local community and alcohol awareness campaigns where appropriate.

Date of Decision: 13 May 2013

Date decision notice issued: 28 May 2013

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

RIGHT OF APPEAL

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

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

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.