

## Rother District Council

**Report to:** General Licensing Panel

**Date:** 13 May 2021

**Title:** Application for a Premises Licence at 30 Western Road, Bexhill-on-Sea, East Sussex, TN40 1DY.

**Report of:** Head of Service-Environmental Services, Licensing and Community Safety

**Ward(s):** Bexhill Central

**Purpose of Report:** To determine the Premises Licence application WK202014100 made under Section 18 of the Licensing Act 2003 for 30 Western Road, Bexhill-on-Sea, East Sussex, TN40 1DY.

**Officer Recommendation(s):** It be **RESOLVED:** That the application for a Premises Licence be determined.

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### 1. Introduction

There are three representations objecting to the application for a premises licence; therefore, it has been referred to this Panel for determination.

#### 1.1 Applicant Details:

Mr Kokulan Gnanasundaram (application as a sole trader).

494 London Road, Mitcham, Surrey, CR4 4BA.

#### 1.2 The Premises:

30 Western Road, Bexhill-on-Sea, East Sussex, TN40 1DY.

Please see the location plan, proposed licensed area plan and photographs (Appendices B, C and D).

#### **Location:**

The premises is situated in Western Road Bexhill, a one way street and one of the main commercial shopping roads in the centre of Bexhill. The vast majority of the commercial units have residential accommodation above them.

**Description:**

The premises is currently empty and housed a beauty therapist salon as its previous occupants. There used to be a gym above the premises, but this is also currently empty.

**2. The application**

The applicant applied on the 26 February 2021 for the following licensable activity:

**Sale/supply of alcohol (off sales)**

Monday to Thursday 06:00 to 00:00hrs

Friday to Saturday 06:00 to 02:00hrs

Sunday 06:00 to 00:00

On 2 March 2021, Sussex Police Licensing Team contacted the applicant and asked for the closing hours on Friday and Saturday to be reduced to be in keeping with the rest of the week. The applicant agreed to this.

The sale/supply of alcohol and opening hours are now:

Monday to Sunday 06:00 to 00:00

**Description**

Original description:

*I want to use this premise for running a convenience store. As part of this, I will sell alcoholic beverages along with other items that are sold in the standard convenience stores in the UK.*

**Operating schedule**

The applicant did not provide steps in how they intended to promote the four licensing objectives. Sussex Police Licensing Team offered conditions which the applicant has accepted in full.

These are reproduced in Appendix A and in the event that the application is granted, these will be translated into conditions included in the licence (unless the conditions have been modified by the licensing authority following consideration of relevant representations).

**3. Licensing History**

There is no previous premises licence history.

There are no noise complaints at the premises logged on the environmental health database.

#### **4. Relevant representations of interested parties**

The application has been subject to the usual public advertisement.

Interested parties	Relevant licensing 'objective'
3	crime and disorder, public nuisance

The representations are all reproduced in full in Appendix E. Representations objecting to the application are concerned with crime and disorder and public nuisance.

A number of points of objection are not relevant to the licensing objectives e.g. the amount of businesses already selling alcohol in Western Road.

#### **5. Representations of the responsible authorities**

The Licensing Act 2003 requires that a copy of the application is sent to the responsible authorities.

Rother DC Planning	No representation
Rother DC Env Health Pollution Team	No representation
Rother DC Env Health Food & Safety Team	No representation
East Sussex Fire and Rescue Service	No representation
Sussex Police	No representation
ESCC Child Protection	No representation
ESCC Public Health	No representation
ESCC Trading Standards	No representation
Home Office Immigration Enforcement	No representation

## **6. Summary**

There are no representations from persons supporting the application and three objecting to it.

The applicant has reduced the hours originally applied for, and agreed conditions proposed by Sussex Police.

## **7. Legislation**

The Licensing Act 2003 requires that the Council, as the local Licensing Authority, carry out its functions with a view to promoting the four Licensing Objectives:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm

In exercising those functions, the Licensing Authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

Under Section 181 and Schedule 5 (Part 3) of the Licensing Act 2003, rights of appeal exist to the Magistrates' Court against the decision of the Licensing Authority. Such appeal may be made on behalf of:

- a) the applicant;
- b) the holder of the Premises Licence; or
- c) any other person who made relevant representations in relation to the application.

## **8. Consideration**

Under s18 Licensing Act 2003, the following options are available to the General Licensing Panel:

- a) to grant the licence subject to the conditions consistent with the operating schedule modified to such extent as considered necessary for the promotion of the licensing objectives;
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates; or,
- c) to refuse to specify a person in the licence as the designated premises supervisor; or,
- d) to reject the application.

Conditions are modified if any of them is altered or omitted, or any new condition is added.

## Implications

### 9. Legal Implications

The applicant and others party to the hearing have a right of appeal to the Magistrates' Court.

### 10. Human Rights

The Panel's decision making is guided by the principles of proportionality which require, amongst other things, the Panel to strike the appropriate balance between the competing interests of the applicant, the premises licence holder, the interested parties and the wider community. This balance is achieved by having regard to the provisions of the Licensing Act 2003; the Regulations and Guidance made thereunder, the Council's Statement of Licensing Policy and the Council's obligation to act in a way that is consistent with the provisions of the Human Rights Act 1998.

### 11. Crime and Disorder

The Prevention of Crime and Disorder is a specific licensing objective and the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its district.

### 12. Conclusion

Having considered the application, representations, written and oral submissions made at the hearing, the Panel shall determine the application.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	<b>Yes</b>	Equalities and Diversity	No
Crime and Disorder	<b>Yes</b>	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Emma Dineen, Licensing Officer
e-mail address:	licensing@rother.gov.uk
Appendices:	Appendix A: Operating schedule Appendix B: Location plan Appendix C: Proposed licensed area Appendix D: Photographs Appendix E: Representations received from interested parties

Relevant Previous Minutes:	N/A
Background Papers:	NONE
Reference Documents:	<p>Revised guidance issued under Section 182 of Licensing Act 2003 (Chapter 11 – Reviews)</p> <p><a href="https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003">https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</a></p> <p>RDC Licensing Policy 2021</p> <p><a href="https://www.rother.gov.uk/wp-content/uploads/2021/02/Rother-Licensing-Policy.pdf">https://www.rother.gov.uk/wp-content/uploads/2021/02/Rother-Licensing-Policy.pdf</a></p>

**Operating Schedule**

The applicant did not provide their own conditions, these listed below are those offered by Sussex Police which the applicant has agreed to. These will be translated into conditions included in the licence (unless the conditions are modified by the licensing authority following consideration of relevant representations).

**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 12 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. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
- b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

**Incident Log:**

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

No beer, cider or lager will be displayed for sale with an abv above 6.4% nor will it be stored/kept at the premises.

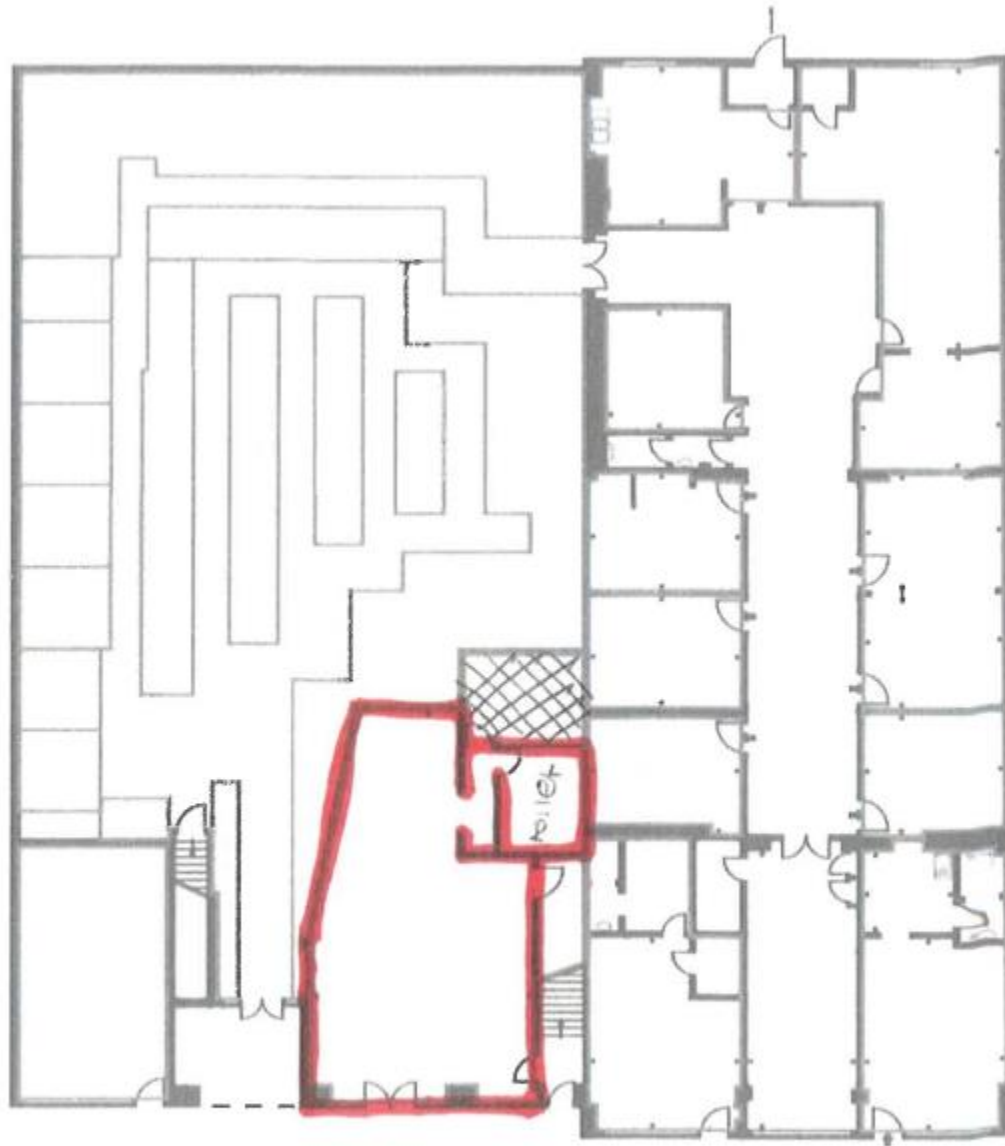


Location plan (arrow points to premises)



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Proposed licensed area



GROUND FLOOR



Photos

Photo of premises



View of Western Road looking west



View of Western Road looking east, arrow points to premises





## Representations

(email address, telephone no, house no/name and signatures redacted)

### Objection number 1:-

**Sent:** 13 March 2021 17:50

**To:** licensing <[licensing@rother.gov.uk](mailto:licensing@rother.gov.uk)>

**Subject:** 30 western road Bexhill-on-Sea

I wish to object about the licence application for 30 Western Rd Bexhill-on-Sea. Unreasonable hour's and the sell of Alcohol in a small town with lots of shops selling the same stuff.

Parking in Western road is limited at best and anti social behaviour will increase.

Shahla Shahla  
XX Western road  
Bexhill-on-Sea  
East Sussex  
Tn40 1du

### Objection number 2:-

**Sent:** 10 March 2021 20:05

**To:** licensing <[licensing@rother.gov.uk](mailto:licensing@rother.gov.uk)>

**Subject:** 30 Western rd.

I would like to object to another shop in Bexhill selling Alcoholic beverages and the opening hours are so unsociable 06.00 am to 00.00 every day with no public drinking in the streets. This will bring trouble to Bexhill and the drug scene becoming even more a problem. We have worked hard with the police to make sure certain people are banned from the town. This will only bring more problems.

Not to mention the parking and lack of bins in Western rd I can't possibly see this shop working when it will be between a Weatherspoons and a supermarket.

We have too many shop`s in this small area that sells alcohol I feel that we don't need another one

Andrew J Crotty  
XX Western Rd  
Bexhill-on-Sea  
Tn40 1du

### **Objection number 3:-**

**Sent:** 18 March 2021 11:59

**To:** licensing <[licensing@rother.gov.uk](mailto:licensing@rother.gov.uk)>

**Subject:** I object to having another convenience store in Western road as there's too many. Also the operating hours are too extensive and I live in the road and would like a rest on Sunday

Ebrahim Khalil

**XX** Western road

Bexhill on sea

East Sussex

Tn40 1Du