

## Rother District Council

**Report to:** General Licensing Panel

**Date:** 9 July 2021

**Title:** Application for a Premises Licence for 'Crown Express' 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 WK202102120 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 is one representation objecting to the application regarding the application for a premises licence; therefore, it has been referred to this Panel for determination.

#### 1.1 Applicant Details:

Kokul Services Limited (application as a limited company).

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 18 May 2021 for the following licensable activity:

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

Monday to Sunday 06:30 to 23:00hrs

Opening hours will be

Monday to Sunday 06:30 to 23:00hrs

**Original Description**

*The applicant wishes to trade as a convenience store offering a variety of goods and services to the local community.*

**Operating schedule**

The applicant provided steps in how they intend to promote the four licensing objectives. 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'
1	public nuisance

The representation is reproduced in full in Appendix E.

The applicant emailed the representor in an attempt to address their concerns. The representor did not respond to the applicant but advised the licencing department they did not wish to withdraw their representation.

## 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 one objecting to it.

## 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 Sub-Committee:

- 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 Councils 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	Yes	Equalities and Diversity	No
Crime and Disorder	Yes	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: Representation received from interested party		
Relevant Previous Minutes:	N/A		
Background Papers:	NONE		
Reference Documents:	Revised guidance issued under Section 182 of Licensing Act 2003 (Chapter 11 – Reviews) <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>  RDC Licensing Policy 2021 <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>		

**Operating Schedule**General

1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol.
2. The premises licence guidance manual will be the basis of alcohol sales training.
3. Records of the training programme shall be maintained and made available to Authorised Officers upon request.
4. The Premises Licence holder shall provide a “refresher” training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months.
5. The CCTV policy shall incorporate the following basic requirements:
  - Be switched on and fully operational when the licensable activities are being carried out.
  - Record for a minimum rolling period of 31 days
  - Have a camera covering any entrance which will provide a facial shot of evidential quality.
  - Additional external CCTV cameras will be installed covering the store frontage.
  - Have a means of copying any footage to another medium as evidence if requested by the Police.
  - The CCTV system will record & display date and time, which will be checked regularly.
  - Any CCTV breakdown will be reported by email to the Police as soon as it is discovered. The repair will be made as soon as is practicable with the Police advised once the repair is completed.
  - The staff will be trained to assist the Police with recordings subject to GDPR guidance and legislation.
6. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and is seeking to purchase alcohol for consumption on/off the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
7. A refusal log will be kept and maintained to record the refusal of alcohol beverages to underage or intoxicated persons. The details collated will include a description of the individual refused, the date and time, the details of the product refused, the reason for refusal and the name of the staff member.
8. An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.
9. Beer, lager & Cider ABV will be limited to 6.4% except for premium products, where in those circumstances, Police agreement will be sought before any proposed beer, lager or cider over the limit may be displayed and sold.

10. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.

The DPS will ensure staff sweep the pavement area in front of the premises daily

#### Prevention of Crime and Disorder

1. The CCTV policy shall incorporate the following basic requirements:
2. Be switched on and fully operational when the licensable activities are being carried out.
3. Record for a minimum rolling period of 31 days
4. Have a camera covering any entrance which will provide a facial shot of evidential quality.
5. Have a means of copying any footage to another medium as evidence if requested by the Police.
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#### Public Safety

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  - Have a camera covering any entrance which will provide a facial shot of evidential quality.
  - Additional external CCTV cameras will be installed covering the store frontage.
  - Have a means of copying any footage to another medium as evidence if requested by the Police.
  - The CCTV system will record & display date and time, which will be checked regularly.
  - Any CCTV breakdown will be reported by email to the Police as soon as it is discovered. The repair will be made as soon as is practicable with the Police advised once the repair is completed.
  - The staff will be trained to assist the Police with recordings subject to GDPR guidance and legislation.

- An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.

#### Prevention of Public Nuisance

1. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.
2. The DPS will ensure staff sweep the pavement area in front of the premises daily

#### The Protection of Children From Harm

1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol.
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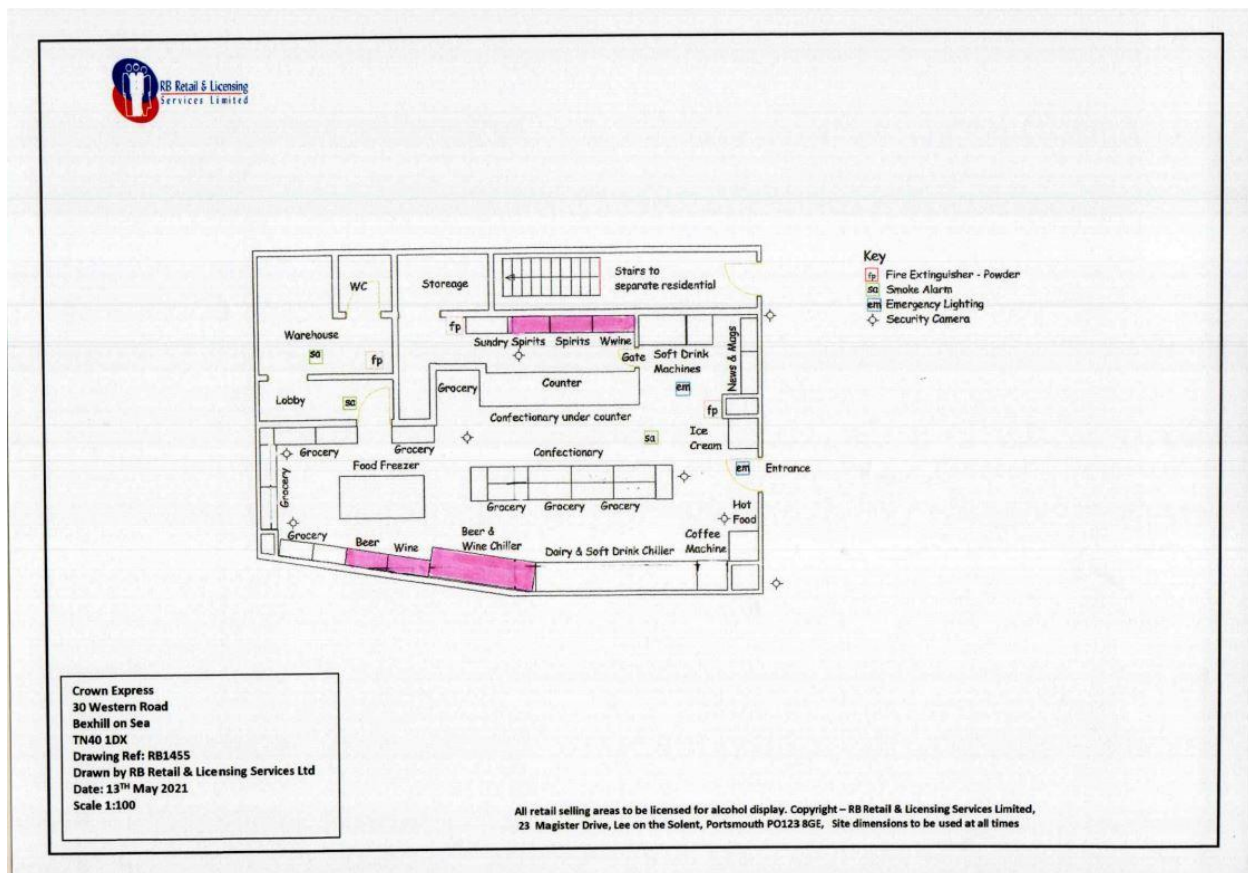


Location plan (arrow points to premises)



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## Proposed licensed area





## Photos

Photo of premises



View of Western Road looking west



View of Western Road looking East, arrow points to premises





**Representation**

(email address and house no/name redacted)

**Sent:** 11 June 2021 10:50

**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 06.30am to 11.00pm 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.

Plus Western Rd is a residential street too so the noise from traffic and Drunk people shouting will be unbearable

And I will be making complaints every time.

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