

Licensing Sub Committee Agenda

Thursday, 27 September 2018 at 2.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Tourist Information Centre entrance.

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For further information, please contact Emily Horne on 01424 451719 or email ehorne@hastings.gov.uk

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Members of the Licensing Sub Committee to sit on this hearing are:		
Councillors Sinden, Roberts and Patmore with Councillor O'Callaghan in reserve.		
1.	Appointment of Chair for this Meeting	
2.	Apologies for absence	
3.	Declarations of Interest	
4.	Notification of Additional Urgent Items	
5.	Application for a Premises Licence with representations: Ebenezer's, 20 Norman Road, St. Leonards on Sea <i>(Assistant Director, Environment & Place)</i>	3 - 40
6.	Additional urgent items (if any)	

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Licensing Sub Committee Procedures

Annex

1. The Chair's Introduction and Explanation of the Procedure, which will be followed

- Introduce Members and Officers and invite the applicant, objectors and any representatives to the table, asking them to introduce themselves.
- Explain that the hearing will follow a procedure, and that is that the Officer will make his report, followed by the Consultees such as the Police and then the Objectors and finally the Applicant. There will be an opportunity for questions. Members may ask for clarification from the Licensing Officer and Summaries may be given if required.
- Ask if the Parties received the report and are ready to proceed.
- If any Party to the hearing fails to attend ask Members to consider whether to adjourn the hearing or to proceed in the Party's absence.

The Hearing of each application will then follow the order set out below:

2. Summary of report by Licensing Manager / Officer.

3. Statutory Consultees (eg Police, Fire Service, Environmental Health) submissions on the application.

Any questions for Statutory Consultees from

- Applicant / Representative?
- Objectors?
- Officers?
- Members?

4. Other Objectors each make submissions on the application.

Any questions for Objectors from

- Applicant / Representative?
- Statutory Consultee?
- Officers?
- Members?

5. Applicant / Representative make submissions on the application / call any witnesses.

Any Questions for Applicant / Representative / Witnesses from

- Statutory Consultees and Objectors?
- Officers?
- Members?

6. Do Members require any clarification from the Licensing Manager / Officer?

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Statutory Consultees and Objectors?
- Members?

7. Summaries (if required)

- Licensing Manager / Officer summing up
- Statutory Consultees and Objectors' summing up
- Applicant/Representative summing up

8. Decision Making

- Members retire to discuss the application, propose and second a recommendation and vote on this.
- They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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Agenda Item 5



Report to: Licensing Sub-Committee.

Date of Meeting: 27.09.2018.

**Report Title: Application for a premises licence with representations.
Ebenezer's, 20 Norman Road, St Leonards on sea.**

Report By: Mike Hepworth. Assistant Director Environment and Place.

Purpose of Report

To consider the application for a new premises licence as a result of representations received.
Responsible Authorities. Two.

Recommendation(s)

1. Member's instructions requested.

Reasons for Recommendations

The Licensing Act 2003 requires a licensing sub-committee to consider such applications when appropriate representations have been made. The decision reached at the sub-committee can be subject to appeal by any party to the hearing that is aggrieved by the decision.

Introduction

1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 9th August 2018 Hastings Borough Council received an application for a new premises licence for Ebenezer's, 20 Norman Road, St Leonards on Sea from Norman Road Stores Ltd, The Old Bank House, 1 The High Street, Arundel, West Sussex, BN 18 9AD made under section 17 the Licensing Act 2003. (Attached at Appendix A).
3. This is the second application for this premises licence by this applicant, the first being held on the 23rd April 2018, when the application was heard by the licensing sub-committee and refused. (Attached decision notice Appendix D).
4. This premise is a convenience store that does not currently hold a licence under the Licensing Act 2003 and is now applying for a new premises licence. The premises was licensed and trading from 2005 to January 2018 under another name (Mary's Food Market) (Map of location attached Appendix B)
5. The premise is located within Area 3 (Central St Leonards) of the Council Special Saturation Policy (Cumulative Impact).
6. The Special Saturation Policy (Cumulative Impact) is contained within the Council's Licensing Policy, it states "Each application will be considered on its own merit. This policy relates to applications for the grant and/or variation of premise licences, club premises certificates or the issue of provisional statements. Where no representations are received any application will be granted in terms consistent with the operating schedule.
7. As a result of the revised Sec 182 Guidance issued by Central Government in April 2018. Where representations are received in relation to an application, there will no longer be a presumption against the grant of such a licence or certificate. However, the Authority will expect applicants to consider their proposals carefully and supply information to support their view that the application will not add to the existing problems of the area, experienced by the high concentration of licensed venues. The Authority intends to review its current three (3) saturation zones at the next full policy review, which will commence in summer 2020 ready for implementation in 2021. Applicants seeking a licence in a Saturation Policy area are advised to seek legal advice before making an application. No information to support the application as above was submitted from the applicant.
8. In addition, at the latest statutory review of the Licensing Policy carried out at the end of 2015 and published in January 2016 a matrix was added to the policy. This matrix was published to help give clearer guidance to applicants for premises licenses as to how the Council would prefer the area to develop from a licensed

premises perspective, and what type of application if applied for, would suit this best.

9. This matrix clearly shows that an “off” licence is not the preferred type of premises within a Saturation Area and therefore an applicant will need to clearly demonstrate that the issue of such a licence will not add to the identified problems of the area. This is in accord with the local policy details set out in paragraphs 6-8 above.

2.0 Application

10. The application requests the following:

To have supply of alcohol for “Off” sales on Monday to Sunday from 09.00hrs to 20.00hrs.

To have opening hours of the premises, Monday to Sunday from 07.00hrs to 20.00hrs.

When submitting an application for a licence under the Licensing Act 2003 the applicant is asked to describe what steps they intend to take to promote the four licensing objectives:-

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance,
- protection of children from harm.

In this case, the applicant has made a separate declaration in their application.(See appendix A).

3.0 Consultation

11. The Licensing Act 2003 requires an applicant to advertise their application once in a local newspaper and on the premises by way of an approved notice for 28 days to allow for representations to be made, this has been done.
12. Copies of the application are required to be served on a list of responsible authorities at the same time as placing the application before the local authority, this has been done.
13. As a result of this process a representation has been received from Inspector Lewis, Licensing Inspector for Sussex police, she comments on the application and the proposed activities and the fact that this is the second application for this premise. She also comments at length on the applicant's past criminal activity and convictions under the Prevention of Crime and Disorder Objective and that the applicant has made no reference to the Councils Licensing Policy and in particular the Saturation Policy. Sussex Police invite the sub- committee to refuse the application. I consider this a valid representation under the licensing objectives (Prevention of Crime and Disorder) (Attached appendix C.)

14. A further communication has been received from Mr John Ballam, Environmental Protection officer, Hastings Borough Council he comments on the application, makes no objection but lists a condition he would ask the sub-committee to consider adding to the licence, if a decision was made to issue the licence. (Attached appendix C.)

4.0 Legal Considerations

15. The Licensing Act 2003 is now the only legislation that allows premises to be licensed for either the sale of Alcohol or the supply of regulated entertainment.
16. If a relevant representation to an application is made by either a responsible authority or an interested party and no compromise can be reached between the parties, a hearing must be held.
17. The Department for Culture, Media and Sport has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
18. All members of the Licensing Committee have been supplied with copies of the DCMS Government guidance and the Hastings Borough Council Statement of Licensing Policy.
19. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, Article 1 of the first protocol and article 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Holding a premises licence would be considered a possession. Article 8 relates to the right to respect for private and family life, home and correspondence. These are however qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:-
- Has its basis in law;
 - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
 - Is proportionate to the aims being pursued; and,
 - Is related to the prevention of crime; or, the protection of public order or health.

If members choose to refuse the application in full or in part, the applicant has a right of appeal to the Magistrates’ Court. There is also a right of appeal to conditions imposed as a result of the hearing by any person affected by the decision.

5.0 Options

20. Grant the application in full

Grant part of the application

Grant the application with conditions relevant to the application

Refuse the application.

Wards Affected

Central St Leonards .

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness
Crime and Fear of Crime (Section 17) .Yes.
Risk Management
Environmental Issues
Economic/Financial Implications
Human Rights Act. Yes.
Organisational Consequences
Local People's Views
Anti-Poverty

Additional Information

Appendix A. Application.
Appendix B. Map of site.
Appendix C. Letters of representation.
Appendix D. Decision notice for earlier hearing.

Officer to Contact

Bob Brown. Licensing Manager
bbrown@hastings.gov.uk
01424 783249

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[Hastings Borough Council]

**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 Norman Road Stores Ltd

(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			
Ebenezer's Many Nations Supermarket, 20 Norman Road,			
Post town	St.Leonards-on-sea,	Postcode	TN37 6NH

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£8,700

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

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1st recd 09/08/18 Revised applic
recd 14/8/18.
GAs 6/09/18.

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment 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:

Please tick yes

I am 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		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

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		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal 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 NORMAN ROAD STORES LTD
Address 20 Norman Road St. Leonards-on-sea TN37 6NH
Registered number (where applicable) Company No. [REDACTED] Registered office address The Old Bank House, 1 The High Street, Arundel, West Sussex, United Kingdom, BN18 9AD
Description of applicant (for example, partnership, company, unincorporated association etc.) Partnership
Telephone number (if any) [REDACTED]

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	7	09 2018

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

DD	MM	YYYY

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

Ground floor convenience store and /mini supermarket with sale of alcohol by retail for consumption off the premises. There will be a small storeroom/office at the rear of the premises. Entrance is by one door at front. No access from rear, all deliveries come via front (Norman Road). Residential accomodation on upper floors.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|---|----------------------------|
| Provision of regulated entertainment | Please tick any that apply |
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| Provision of late night refreshment (if ticking yes, fill in box I) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 4)		
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 5)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
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 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
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 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
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 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	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 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	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 4) Sunday hours to be operated on Bank Holiday's and Public Holidays		
Mon	9:00	20:00			
Tue	9:00	20:00			
Wed	9:00	20:00			
Thur	9:00	20:00			
Fri	9:00	20:00			
Sat	9:00	20:00			
Sun	10:00	20:00			
			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 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Mutalib Kayode Abiodun Michael Adelasoye	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number	HO31371
Issuing licensing authority (if known) Hastings Borough Council	

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 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Sunday hours to be operated on Bank Holiday's and Public Holidays
Day	Start	Finish	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 (please read guidance note 5)
Mon	9:00	20.00	
Tue	9:00	20.00	
Wed	9:00	20.00	
Thur	9:00	20.00	
Fri	9:00	20.00	
Sat	9:00	20.00	
Sun	10:00	20:00	

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 9)

b) The prevention of crime and disorder

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 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.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

CCTV footage will be stored for a minimum of 28 days

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.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

A sign advising customers that they are on CCTV shall be positioned in a prominent position.

A refusals log, written/electronic, shall be kept near the point of sale and all refusals shall be recorded. The DPS shall take responsibility for training staff in the use of the register and will regularly check to ensure entries are being made. The log will be made available to a representative of the Sussex Police or Licensing Authority on request.

All staff members engaged, or to be engaged, in selling alcohol on the premises will receive full training pertinent to the Licensing Act 2003, specifically in regard to age restricted sales and the refusal of sales to persons believed to be under the influence of alcohol. Records of all training provided will be recorded and provided to members of the Sussex Police and Licensing Authority on request.

c) Public safety

Appropriate fire extinguishers will be available and suitably located
Risk Assessments will be completed and reviewed for Fire Safety,

d) The prevention of public nuisance

Internal and external rubbish bins will be lidded and suitably located with collections commensurate with rubbish accumulation.

No beer, lager or cider with an ABV of 6.5% or above, will be stocked displayed for sale or sold, including single cans of the same. In addition we will refuse the sale of all alcohol to persons known to cause drink related anti-social behaviour within Hastings & St Leonards or persons suspected of supplying alcohol to such individuals.'

e) The protection of children from harm

A notice shall be displayed in and at the entrance to the premises where it can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Sign to be displayed at point of sale – 'No proof of age - no sale'.

A Challenge 25 policy will be adopted and only photographic ID such as a passport, driving licence, citizen cards and proof of age standards scheme (PASS) cards be acceptable. Staff will be trained to request the appropriate ID from anyone who appears to be under the age of 25 years of age and that alcoholic drinks are refused unless that ID is produced.

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.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Mutalib Kayode Abiodun Michael Adelasoye
Date	9th August 2018
Capacity	Business Owner

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **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 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.

5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I Mutalib Kayode Abiodun Michael **ADELASOYE**

.....
[full name of prospective premises supervisor]

of

[REDACTED]

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES APPLICATION

.....
[type of application]

by

Mutalib Kayode Abiodun Michael **ADELASOYE**

.....
[name of applicant]

relating to a premises licence

.....
[number of existing licence, if any]

for

Ebenezer's Many Nations Supermarket, 20 Norman Road TN37 6NH

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Mutalib Kayode Abiodun Michael **ADELASOYE**

[name of applicant]

concerning the supply of alcohol at

Ebenezer's Many Nations Supermarket, 20 Norman Road TN37 6NH

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

HO31371

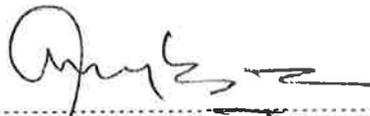
[insert personal licence number, if any]

Personal licence issuing authority

HASTINGS BOROUGH COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Michael Adelasoye

Date

09/08/18

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Title:

Appendix B

Scale: 1:2500

Date: 11 / 9 / 2018

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Licensing Unit

5th September 2018

Mr. B. Brown,
Licensing Manager, Licensing Team,
Hastings Borough Council,
Muriel Matters House,
Breeds Place,
Hastings, East Sussex TN34 3UY

RE: APPLICATION FOR A NEW PREMISES LICENCE: 20 Norman Road, St. Leonards-on-Sea TN37 6NH

Dear Mr. Brown,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above application for a new premises licence on the grounds of the Prevention of Crime and Disorder Licensing Objective.

Sussex Police raised representation on 20th March 2018 for the same premises and same applicant Mutalib Kayode Abiodun Michael Adelasoye. Other than a slight change in operating hours nothing has change in this application. The hearing took place on 23rd April 2018 and the Committee refused the application.

This application, in the name of Norman Road Stores Ltd., is to permit the supply of alcohol between 09:00hrs and 20:00hrs daily; the times the premises are to be open to the public are given as being between 09:00hrs and 20:00hrs daily. The premises is currently operating as a convenience store and was previously licensed until the licence was surrendered by the previous premises licence holder on 25th January 2018.

The Reverend Mutalib Adelasoye whose full name is in fact Mutalib Kayode Abiodun Michael Adelasoye has an extensive criminal history. On 29th July 2010 he was convicted upon indictment of conspiracy to facilitate the commission of breaches of immigration laws. The circumstances were that between July 2005 and July 2009 about 360 marriages were conducted in a St. Leonards church. The sole purpose of these marriages was for people from the non-European Economic Area to acquire the right to live and work in the United Kingdom, which right they would not otherwise have enjoyed. During the aforementioned time period the Reverend Adelasoye was a solicitor specialising in immigration work He was also the pastor of an Evangelical church in Hastings, an area designated by the Home Office for immigrants into the United Kingdom to live pending the determination of their applications for leave to remain in the country. Reverend Adelasoye therefore had a large number of contacts among immigrants who wished to remain in the United Kingdom and arranged marriages for them in order that they would achieve their aim.

On 6th September 2010 he was sentenced to 4 years imprisonment for these offences. Under the revised guidance for the Rehabilitation of Offenders Act 1974 issued on 10th March 2014 his sentence will not be spent until 5th September 2021.

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

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On 10th August 2011 Reverend Adelasoye was sentenced to a further 42 months imprisonment for two offences of False Representation. The circumstances of these offences were that on two occasions he falsified by enhancement, his salary information. He completed two Employer Reference Forms showing a salary vastly inflated from that which he actually earned. These forms were purportedly completed and signed by a manager of the company for which he worked. In fact this person had neither prepared, completed nor signed the forms. His sentence for these offences will not be spent until 9th February 2022. On 10th January 2012 he was struck off the Roll of Solicitors following a Solicitors Disciplinary Tribunal.

Given that Reverend Adelasoye was a solicitor at the time the above offences were committed, his first duty was to the law regardless of whether he thought it fair or otherwise, particularly in relation to the immigration offences.

The premises is located within Hastings Council's Special Saturation (Cumulative Impact) Policy area. The applicant has failed again to address this policy. The applicant, within the operating schedule, should rebut the presumption that the granting of such a licence would undermine the licensing objectives. We invite the Council to apply its own policy and refuse the application.

Sussex Police contend that Reverend Adelasoye has a proven record of both gross dishonesty and a lack of integrity. Therefore we have no confidence in his ability to promote the four licensing objectives and respectfully invite the licensing committee to refuse the application.

Yours sincerely,



Inspector Diane Lewis – Licensing Inspector Local Policing Support Team
[REDACTED]

Licensing Unit, Bexhill Police Station
Terminus Road, Bexhill, East Sussex TN39 3NR
[REDACTED]

MEMORANDUM



Date: 6th September 2018

From: John Ballam

To: Licensing

My Ref: JBA/06/09/18

Your Ref:

Application Number: WK201805091

Address: Ebenezers Many Nations Supermarket, 20 Norman Road, St.Leonards-On-Sea, East Sussex, TN37 6NH

Proposal: New Application

Dear Trevor

I refer to the above Licensing Application:

I raise no objection to this application, my only concern relates to delivery times, I therefore recommend the following condition:

Deliveries to the premises to take place only between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturday and not on a Sunday or Public/Bank Holiday

Please do not hesitate to contact me should you require any further clarification or information.

Kind Regards

John Ballam

Environmental Protection Officer



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PREMISES: Ebenezer's, 20 Norman Road, St. Leonards on Sea

DATE OF HEARING: 23 April 2018

LICENSING SUB-COMMITTEE: Councillors Patmore (Chair), Edwards, and Roberts with Councillor Sinden in reserve.

REFUSE

We have listened carefully to all the submissions and we are bound to be directed by the promotion of the Licensing Objectives and Material Considerations of:

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

On balance, the Sub-Committee DOES NOT ACCEPT the evidence provided in support of the application and therefore the application fails to satisfy the principal material considerations.

We **REFUSE** the application for the following reasons:

The applicant has not met the legal test required. He needed to show within his operating schedule that the granting of his application would not undermine the Licensing objectives. He has failed to do so. Furthermore, he did not mention within his oral submission anything about Cumulative Impact. He did say that he understood the Council's Licensing Policy.

The Committee have no confidence that the applicant will uphold the Licensing Objectives.

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

Signed Cllr.....**Patmore**.....Chair Dated.... **23rd April 2018**.....

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 Committee if you are aggrieved at the outcome. This right of appeal extends to the applicant in the case of a 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 upon the licence. Full details of all the rights of appeal can be found within Schedule 5 of the Act.

Any appeal should be made to the Magistrates Court, Bohemia Road, Hastings within 21 days from the notification of the decision. You must contact the Magistrates Court to establish the formal procedure for the appeal.

Hastings Borough Council is committed to providing a fully accessible service. We offer alternative versions of documents and publications, including different languages and formats suitable for the visually impaired. For more information please contact Emily Horne at the above address.