

**SUB COMMITTEE**  
**of the**  
**LICENSING AND CONTROL COMMITTEE 'B'**

**MINUTES**  
**of the**  
**PROCEEDINGS**  
**held on**  
**Wednesday 01 May 2013**

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Sub Committee Membership: Councillors John Rogers (Chairman), Roy Barraclough and Christine Brown.

Hearing to consider an application for variation of a premises licence for

1 The Boulevard  
Worthing  
BN13 1JZ

Applicant: Co-Operative Group Food Ltd

Present:	Simon Jones	Senior Licensing Officer
	Theresa Cuerva	Licensing Officer
	Michele Wilkinson	Solicitor
	Chris Cadman-Dando	Democratic Services Officer
	Stephen Graham	Solicitor for the applicant
	Peter Bowler	Operations Manager
	David Sharp	Store Manager
	PC David Whitcomb	Sussex Police
	Helen Manley	Sussex Police

**LCC/12-13/45      Welcome**

The Chairman welcomed the attendants to the meeting.

**LCC/12-13/46      Apologies and Reconstitution of Membership**

Nil

**LCC/12-13/47      Declarations of Interest**

There were no declarations of interest made.

**LCC/12-13/48      Procedure**

The proceedings were as set out on the procedure note circulated to all those present.

**LCC/12-13/49      Licensing Act 2003 – Application for a New Premises Licence**

Before the Committee was a report by the Executive Head of Housing Health and Community Safety, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as item 4. The report set out an application from The Co-Operative Group Food Ltd for a variation a Premises Licence at The Co-Operative Store and Petrol Station, 1 the Boulevard, Worthing, which authorised the sale of alcohol, for consumption off the premises, at its mini-supermarket and petrol station. The application had been the subject of formal

representations by a number of members of the public and a responsible authority and it fell to the Sub-committee to determine the application.

The Senior Licensing Officer introduced the report to the Committee. Members were given an outline of the application and informed of a late alteration. The applicant's had withdrawn part of the application relating to the provision of late night refreshment, therefore the application stood to request a variation of operating times between 05:00 and 00:00. The Senior Licensing Officer clarified some issues raised by applicant's solicitor concerning public representations and correspondence between the police and the applicant.

The representative of Sussex Police made his representation. Members were told that 50% of concerns raised by the Police had been met with the withdrawal of the application to provide late night refreshment. There were, however, concerns remaining in relation to the extension of opening hours. Members were told that individuals of concern resided close to the premises and that street drinkers would gravitate to the earliest opening premises to purchase alcohol, potentially leading to anti-social behaviour problems in the area. Members were requested to include conditions on the licence that would prevent street drinkers accessing alcohol early in the morning such as restrictions on Alcohol by Volume (ABV) and the sale of individual units of beer and cider. Answering a question from the applicant's solicitor it was confirmed that there had been no issues with the premises operating under current licensing conditions.

The solicitor for the applicant made his representation to the Committee summarised below:

- The Committee needed to base its decision on evidence and not 'concerns', 'fears' or 'conjecture';
- The Co-op was a large retailer concerned with its public image and had based its decision to extend hours nationally on customer consultation. To protect its public image and make the shop a welcoming place to visit the Co-op took its responsibilities under the licensing act very seriously;
- Members were told Co-op's customer base was primarily middle aged customers and the store had introduced stringent control measures to make those customers feel comfortable;
- Members were appraised of control measures including extensive CCTV coverage and comprehensive training package;
- The 'Citrus' training package operated by the store included regular revisions and a test at the end of each session which operatives would need to pass in order to qualify to serve alcohol;
- The store operated a 'buddy system under which the newly qualified would be paired with an experienced operative for two weeks prior to them gaining authorisation to sell alcohol on their own;
- There was an electronic refusals and banning register;
- The store operated a 'challenge 25' policy with a till notification system;
- The store employed six personal licence holders;
- With regards to additional conditions suggested by the police the Sub-Committee was informed that the computerised system employed by the Co-op would not allow for the restriction of ABV levels on beers and

cidars, although it would be possible to limit sales of cans and bottles to a minimum of four units;

- Members were told that identified street drinkers would be barred;
- It was current standard practice to stock spirits behind the counter;
- Clarification was received concerning the wording of one particular condition requested by the Police.

In response to questions from Councillors the Solicitor for the applicant clarified that the store did not employ anyone under the age of 18 and there was a willingness to alter a condition and make CCTV pictures available for 28 days.

The Police representative asked if a consultation on customer requirements was held locally or nationally. The Solicitor stated that he was not aware of the exact nature of the consultation.

The Solicitor to the Applicant declined the invitation to sum-up.

The Police representative summed up by saying that it was not solely the authority's role to react to issues but to assess and prevent risk prior to problems occurring.

*The Meeting adjourned at 10:45pm to consider the application*

*The Meeting reconvened at 11:03am*

The meeting was told that in reaching its decision the Licensing Committee had given due regard to Home Office guidance, the Council's own licensing Policy, and the statutory licensing legislation. The Committee had also given due regard to the Human Rights Act and the rules of natural justice. Due consideration was given to all representations made at the hearing and those received in writing from local residents. The Committee had considered all the issues raised and particularly those issues in respect of the four licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

**Resolved:** that the application for variation be granted as requested, with amended and additional conditions, appropriate to the promotion of the specific licensing objectives: as follows;

1. That the three conditions in the application numbered 1 to 3 in the section concerning the prevention of crime and disorder conditions (in relation to CCTV) be replaced by the Police's suggested conditions which are;
  - I. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police requirements for Digital CCTV System;
  - II. CCTV images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the Police immediately and remedied as soon as possible;

- III. It will be the responsibility of the DPS to ensure that any request from the Police for a recording to be made for evidential purposes is carried out as soon as possible.
2. That the following additional conditions, accepted by the applicant be added:
  - I. Spirits will be stored and displayed behind the servery;
  - II. No beer or Cider to be sold in less than four (4) units.

**Reasons for Decision:** The Sub Committee considered that the application and amended conditions were reasonable and met the licensing objectives.

**Additional Observations made by Members:** None

Those present were told that the decision would be made available in writing within 5 days.

Those who had made representations in connection with this application were reminded that they could appeal against the decision within 21 days by giving Notice of Appeal to the Magistrates Court.

Any person or responsible authority are reminded that they may apply for a review of this licence after a reasonable interval pursuant to section 51 of the Licensing Act 2003

Any licence granted under the Licensing Act 2003 does not override any planning restriction on the premises or any restriction that may be attached to the lease of these premises. Accordingly the applicant should take legal advice before altering the hours of trading as a result of the licence agreed at the hearing.

The applicant was reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activity from any premises in breach of a premises licence.

The proceedings finished at 11:06am

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