

**Minutes of a Meeting of the  
WBC Sub Committee of the Licensing and Control Committee 'B' of  
Worthing Borough Council**

**Council Chamber, Town Hall, Chapel Road, Worthing**

**Wednesday 8 October 2014**

Councillor Paul High (Chairman)

Councillor Paul Howard

Councillor Susan Jelliss

Also Present:	Simon Jones	Senior Licensing Officer
	Caroline Perry	Solicitor
	Chris Cadman-Dando	Democratic Services Officer
	Mr Vaughan Lilley	Objector
	Cllr Vino Vinojan	Ward Councillor
	Mr McQuarrie	Objector
	Ms Chapman	Objector
	Doug Simmons	Applicant's Representative
	Serena el Kannouche	Director of East Sussex Drinks Ltd
	Umair Ahmed	Proposed DPS

**LCCB/14-15/18 Declarations of Interest / Substitute Members**

Cllr Paul High declared an interest as Mr McQuarrie (an objector present) was a former client and someone who the Councillor had an association with.

**LCCB/14-15/19 Licensing Act 2003 – Application for a new Premises Licence at:  
Star Convenience Store, 87a Chapel Road, Worthing, BN11 1HU**

Before the Sub Committee was a report by the Director for Customer Services, a copy of which had been distributed to all members, and a copy of which is attached to the signed copy of these minutes as item 2. The Sub Committee had been called to determine an application by East Sussex Drinks Limited for a new premises licence to authorise the sale of alcohol for consumption off the premise. The application has been the subject of formal representation by a responsible authority, a local ward councillor and other persons. It therefore fell to the sub-committee to determine the matter.

The Senior Licensing Officer introduced the report to the Committee and referring to the report indicated that reference to an excerpt from specific considerations the Councils Licensing Policy had not been fully reproduced in the report but had been available to view in the Council's Statement of Licensing Policy and that in considering the application Members should have regard to the Licensing Policy as a whole. The applicant's representative confirmed that the Senior Licensing Officer had provided an accurate outline of the application.

Councillor Vino Vinojan made his representation as Central Ward Councillor. Councillor Vinojan summarised his representation and asked for additional conditions to be put on the licence. Members were told that the ward had an identified problem with street drinkers and that a new licences premises was of concern. Cllr Vinojan suggested that if the application were approved then the applicant should sign up to the 'enough is enough' responsible retailing charter.

The applicant's representative suggested that the additional conditions put forward by the Councillor were misleading and that the applicant and staff would have trouble interpreting the measures and types of drinks listed, it was asked if the conditions listed in the representation were meant to be forward in such a way. Councillor Vinojan stated that the proposed additional conditions were clearly set out in his representation.

The applicant's representative asked that the Councillor clarify whether or not the proposed joining of the 'enough is enough' campaign was a proposed condition. The Councillor clarified that he was suggesting that the applicant join 'enough is enough'.

Mr Vaughan Lilley made his representation. The Sub-Committee were told that there were a dozen off licences within a quarter mile radius of the proposed application and that and there was no need for a further off licence. It was suggested that if the application were granted then there would be an increase in street drinkers and Members were told of alleged incidents where street drinkers had threatened local residents and created a noise nuisance. Members were told of Mr Vaughan's fears for children who lived in the local area. The Sub-committee was also told of the lack of parking in the area and the potential for an increase in illegal parking and increase in traffic.

The Sub-Committee questioned Mr Vaughan with regards to specific incidents of antisocial behaviour and areas where street drinkers gathered. He was also questioned by the applicant's representative about the number of premises in the area and the relevance of need to the licensing objectives.

Mrs Chapman made a representation on behalf of her daughter in-law. Members were told that should the application be granted there was a fear that there would be an increased risk to children living in the neighbourhood from both potential increases traffic and anti-social behaviour from street drinkers. She stated that the flat at which her daughter lived overlooked the proposed premises location and feared an increase in anti-social behaviour already viewable from her daughter in-law's window.

Mrs Chapman was questioned by the Sub-Committee on the length of time street drinkers had been causing problems in the vicinity and whether this had coincided with the closure of the previous business. The applicant's representative noted that the letter sent in by Mrs Chapman's daughter in-law was

Mr McQuarrie made his representation. Members were told that the increase in density of off licences in the area had brought street drinkers to the area and other people such as drug dealers, he stated that he didn't want the area to become a 'den of iniquity'. He reported that one of the off licences in the area purportedly sold illegally imported tobacco.

Mr McQuarrie was asked to report incidents where he had witnessed or knew of illegal activity taking place.

The applicant's representative made a representation on his client's behalf and made the following points:

- The applicant was asking to be licenced between 7am and 10pm which matched the intended hours of opening. It would be impractical and could cause problems for workers in the shop if the hours of licensing being sought were amended;
- There would be CCTV inside and outside of the shop and it would be installed to home office standards;
- The premises did not want street drinkers in their shop and would institute a policy in that regard;
- The applicant was willing to volunteer conditions that all cans of beer, lager and cider to be sold in multipacks of a minimum of 4 and that there would be no sales of beers, ciders

and lagers above 6% ABV (alcohol by volume);

- To protect children from harm the store would instigate a 'challenge 25' policy, those that appeared to be under the age of 25 would be asked to provide photographic proof of their age and acceptable ID would be passports, driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram;
- Members were told that originally the application had said that training would take place at 'no less' than eight week intervals. This was a typographical error and should have read at 'no more' than eight week intervals and the applicant had agreed to amend this at the police's request;
- Refusal records would be reviewed by the DPS every four weeks and available to be viewed upon request by Licensing Authority Officers, Police Officers and Weights and Measures Officers;
- With regards to conditions suggested by Councillor Vinojan, concerns were raised about a proposed condition that there should be no sales of alcoholic beverages above 6% ABV ) in containers (cans or bottles) containing less than 500ml. the applicant's representative stated that the proposed condition was unnecessarily punitive and would prevent the applicant from selling half bottles of wine and smaller bottles of spirits;
- The applicant's representative commended the 'enough is enough' campaign but objected to the suggestion that it should be added as a condition of the licence;
- The applicant's representative suggested that cumulative impact was not an issue that could be considered in the determining of the application as the council had no longer a 'special saturation policy';
- The representative of the applicant noted that a number of representations were duplicated letters with different signatures at the bottom. He questioned whether all of the signatories were all affected by the issues as set out in the representation.

The Applicant was questioned about the history of the business taking over the premises and experience of the designated premises supervisor (DPS). The Committee was told that the business was a new venture and that the DPS had several years' experience working in Redhill and Newhaven. The applicant was also asked about loading, unloading and parking at the shop. The applicant's representative stated that those issues were relevant to the associated planning application.

The parties were invited to sum up

The applicant's representative stated that the Police were not present at the meeting because they were satisfied that the application upheld the statutory licensing objectives as the applicant had agreed to amend the wording of their application concerning training.

Cllr Vinojan asked Sub-Committee members to consider the recognised problem of street drinkers within the Central Ward which had culminated in the Council instigating a section 30 order on the area during the summer.

Mrs Chapman stated that she would be unhappy if the shop were allowed to sell alcohol and felt that it would lead to an increase in anti-social behaviour in the area.

Mr Mcquarrie reported that the problems brought about by drinking in the area had brought misery upon local residents and that a halt to the number of off licences had to be called.

*The meeting was adjourned at 7.43pm for the committee to consider its decision*

*The meeting was reconvened at 8.04pm*

The meeting was told that in reaching its decision, the Licensing Sub Committee gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Sub Committee also gave regard to Human Rights legislation and the rules of

natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Sub Committee did so with a view to promoting the Licensing Objectives, the relevant objectives being the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

**Resolved:** that the application be granted between the hours of 0700 hours and 2200 hours Monday to Sunday with the additional condition that:

- All cans of beer, lager and cider to be sold in multipacks of a minimum of 4.

Also lager is to be added to the condition of those drinks not be sold above 6% ABV. Therefore this condition should read:

- No sales of beers, ciders and lagers above 6% ABV.

**Reasons for Decision:** The Licensing Sub-Committee is satisfied that the conditions that have been offered and the amendment to the condition are sufficient to promote the licensing objectives. The Sub-Committee note that the Police did not raise any concerns in respect of granting this licence. The Sub-Committee would ask that the applicant consider joining Enough is Enough but is not imposing this as a condition.

**Advice to Parties Present:** The licence holder and those who had made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

Interested parties are reminded that they may apply for a review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act.

Any licence granted under the Licensing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises.

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

The meeting was declared closed by the Chairman at 8.06pm, it having commenced at 6.30pm.

**Chairman**