

**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 17 December 2014

Councillor Paul High (Chairman)

Councillor Louise Murphy

Councillor Sue Jelliss

Also Present:	Simon Jones	Senior Licensing Officer
	Caroline Perry	Solicitor
	Chris Cadman-Dando	Democratic Services Officer
	Councillor Vino Vinojan	Ward Councillor and Objector
	Mr Arudchelvan Chelliah	Applicant

LCCB/14-15/20 Declarations of Interest / Substitute Members

There were no declaration of interest

**LCCB/14-15/21 Licensing Act 2003 – Application for a new Premises Licence at:
All in Onez, 137 Clifton Road, Worthing**

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 application had been the subject of formal representation by a responsible authority, a local ward councillor and two other persons. It therefore fell to the Sub-Committee to determine.

The Senior Licensing Officer introduced the report to the Committee, Members were told that the applicant and Sussex Police have been in mediation and agreement had been reached with the applicant volunteering all the conditions requested by Sussex Police. However no such successful mediation had taken place with the Ward Councillor who had requested that certain conditions be added to the licence. The applicant confirmed that the Senior Licensing Officer had given an accurate outline of his application.

Councillor Vino Vinojan was invited to make his representation

As Ward Councillor for Central Ward, Councillor Vinojan highlighted the problem of street drinking and anti-social behaviour within the ward. He stated that if the conditions that he had proposed were accepted, they would help the applicant promote the licencing objectives.

The applicant asked if the conditions being proposed by the Ward Councillor were standard amongst other off licences in the area. The Senior Licensing Officer replied that there was currently a programme of asking those signed up to 'enough is enough' to voluntarily amend their licensing conditions in that regard.

The applicant asked the Councillor Vinojan about one of his proposed conditions (the prohibition

of sales of miniature bottles of wine or spirit in units of less than 35cl.) The applicant asked who the Councillor thought would buy 20cl bottles of spirit. The Councillor stated that a lot of the problem drinkers in the ward were buying smaller bottles of spirits. The applicant purported that street drinkers did not usually buy spirits and opted for strong ciders or beers.

The Applicant was invited to make his representation to the Sub-Committee

The applicant stated that he had been running the premises for two months but it was apparent that in order to compete with other local business he would need to apply for a premises licence so he could sell alcohol. The applicant recounted that he had a lot of experience as a licensee and was a suitable candidate to receive a licence.

The applicant was questioned by the Sub-Committee about his previous experience and the proposed layout of his shop. The applicant also confirmed that he was committed to sign up to the enough is enough campaign.

The Ward Councillor asked why the applicant wanted to open the business when considering the competition nearby (which included some other off licences and a Tesco express). The applicant said that the rent was cheap and that his business was beginning to pick up regulars even without a licence.

The parties were asked to sum up

The applicant asked that the Committee reject the condition proposed by the ward Councillor that sales of miniature bottles of wine or spirit in units of less than 35cl should be prohibited. However, he was supportive of proposed conditions concerning the prohibition of selling single cans and of selling strong beers and ciders.

The Ward Councillor asked the committee to accept his proposed conditions.

The meeting adjourned at 6.58pm and reconvened at 7.18pm

The meeting was told that in reaching its decision, the Licensing Sub Committee had given due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee had also given 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 were the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

Resolved:

The decision of the Sub Committee is that the premises licence should be:

Granted, as requested, between the hours of:

- 0800hours and 2300hours Monday to Saturday
- 1000hours and 2200hours on Sunday

The licence will contain the conditions that were agreed between the applicant and Sussex Police. These conditions are detailed at paragraphs 7.2 of the report attached to the signed copy of these minutes.

The licence will also contain the conditions which are detailed at paragraph 7.3, namely:

- No sales of beer, lager and cider over 6% ABV.

- No sales of single cans or bottles of beer, lager and ciders containing less than 500ml. Sales of such cans and bottles to be in multiple packs of a minimum of four.
- No sales of miniature bottles of wine or spirit in units less than 35cl.

Reasons for Decision:

The licensing sub-committee is satisfied that with the additional conditions that have been imposed, the premises licence would not undermine the licensing objectives. The applicant has taken into account the concerns of the Police and conditions were agreed between the parties prior to this hearing. In addition, further conditions have been added to address the concerns of the ward councillor and local residents. There is a recognised problem of street drinkers in the area and therefore these conditions are appropriate to ensure that the licensing objective of crime and disorder is not undermined.

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 7.22pm, it having commenced at 6.30pm.

Chairman