

SUB COMMITTEE
of the
LICENSING AND CONTROL COMMITTEE 'B'

MINUTES
of the
PROCEEDINGS
held on
Wednesday 13 November 2013

Sub Committee Membership: Councillors Christine Brown (Chairman), Keith Bickers and Vicky Vaughan.

Hearing to consider

Application for a new Premises Licence at: McColl's, 2 Limbrick Corner, Palantine Road, Worthing

Applicant: McColl's retail group ltd

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| Present: | Simon Jones | Senior Licensing Officer |
| | Theresa Cuerva | Licensing Officer |
| | Michele Wilkinson | Solicitor |
| | Chris Cadman-Dando | Democratic Services Officer |
| | David Crank | Solicitor to the Applicant |
| | Jeff Morrison | McColl's Regional Manager |
| | Carol Harris | McColl's Area Manager |
| | Mark Forrester | Perspective DPS and Store Manager |
| | Mr Bulent Ekinci | Interested Party |

LCCB/13-14/23 Welcome

The Chairman welcomed the attendants to the meeting.

LCCB/13-14/24 Apologies and Reconstitution of Membership

Nil

LCCB/13-14/25 Declarations of Interest

There were no declarations of interest made.

LCCB/13-14/26 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 application for a new Premises Licence at McColl's, 2 Limbrick Corner, Palantine Road had been the subject of formal representation by a responsible authority and members of the public and it therefore fell to the sub-committee to determine. There had been successful mediation with Sussex Police following the applicant's agreement to volunteer additional conditions on the licence. Prior to the hearing mediation between McColl's and the members of the public that made relevant representation was considered

unlikely to succeed considering the number and the nature of the concerns expressed.

The Senior Licensing Officer introduced the report to the Sub Committee and confirmed with the applicant's solicitor that his summary of the application had been an accurate outline.

Mr Ekinci purported that the presence of another off licence in a small shopping area could lead to a situation where competition artificially drove down prices and attracted the wrong sort of client to the area. He stated that he believed introducing a new off licence to the area would bring more trouble to the area, specifically more young people, anti-social behaviour and noise.

There were no questions from Members for Mr Ekinci

There were no questions from the Applicant's representatives for Mr Ekinci

The Solicitor for the applicant made his representation to Members of the Committee. Members were told that McColl's was evolving and was no longer exclusively a newsagent and had added a convenience element to its business. The Solicitor to the applicant asked the Sub-Committee to judge objections made by the public on evidence and not on conjecture. Members were given a breakdown of how the licence would be operated within the store and how similar licences were managed nationally by McColl's. This included the training regime, refusals register and test purchases carried out by an independent company. Members were told that the company intended to operate until 22.00hrs but had applied for a licence until 23.00hrs in case a later terminal hour was required. Members were asked to note that the Police had not raised any objection on the grounds of public nuisance although McColl's would monitor the situation.

Members asked questions of the Solicitor to the applicant concerning the use of test purchasers and the types of alcohol advertising that would be displayed in the shop window. Members were informed that there would be three posters in the shop window, one of which would include an advertisement for alcohol.

Members investigated the possibility of adding a condition to the licence of prohibiting the sale of high ABV of lager and cider or limiting sales of lager and cider to multi-pack only. The Senior Licensing Officer advised Members that it could not be considered as this issue had not been raised by any party making representation.

Mr Bulent declined the invitation to question the applicant's representative.

In summing up the applicant's solicitor stated that he felt appropriate measures to be added to the licence were being proposed to promote the licensing objectives. He proffered that there was no evidence to support the 'fear' that there would be a rise in alcohol consumption and anti-social behaviour.

The meeting adjourned at 10:35am for the Sub-Committee to consider its decision.

The meeting reconvened at 10:44am

The meeting was told that in coming to its decision the Licensing Sub Committee had given due regard to the current Home Office guidance, the Council's own Licensing Policy, and the statutory licensing legislation. The Sub Committee had also given due regard to the Human Rights Act, the Equality 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 and the mediated agreement reached with the Police. The Sub Committee considered all the issues raised and particularly those issues in respect of the four licensing objectives which are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Resolved: that the licence be granted as requested, with amended conditions, appropriate to the promotion of the specific licensing objectives. The amended conditions are those contained within para 8.2 of the report or contained within Appendix E of the report, which are the same. A copy of the report is attached to a signed copy of these minutes

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: This decision will be made available in writing within 5 days.

Those who had made representations in connection with this application were reminded that they may appeal against this decision within 21 days by giving Notice of Appeal to the Magistrates Court. Any person or responsible authority were 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 today.

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 10.46am it having begun at 10:00am
