

**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 18 June 2014**

Councillor Paul High (Chairman)

Councillor Keith Bickers

Councillor Mark Nolan

\*Absent

Also Present:	Simon Jones	Senior Licensing Officer
	Theresa Cuerva	Licensing Officer
	Michele Wilkinson	Solicitor
	Chris Cadman-Dando	Democratic Services Officer
	Mike Webb	Applicant's Advisor
	Mr Myuran Vijayakumar	Applicant
	Helen Manley	Sussex Police
	PC David Whitcombe	Sussex Police

**LCCB/14-15/01    Declarations of Interest / Substitute Members**

There were no declarations of substitutions made.

The Chairman of the Committee declared a non-prejudicial interest in that the owner of the premises as listed in agenda item LCCB/14-15/02 was known to the committee in a professional relationship as a fellow Conservative Councillor.

The Senior Licensing declared an interest in LCCB/14-15/02 as his son was employed at the premises as a paperboy.

**LCCB/14-15/02    Licensing Act 2003 – Application for a new Premises Licence at 120 South Street, Tarring**

Before the Committee was a report by the Director of Communities, 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 Committee had been called to determine an application for a new premises licence to authorise the sale of alcohol for consumption off the premises at Taylor's Newsagents, 120 South Street, Tarring. The application had been the subject of formal representation by a responsible authority and it therefore fell to the sub-committee to determine.

The Senior Licensing Officer introduced the report to the Committee and confirmed with the applicant that it represented an accurate representation of the application.

A Member asked if there were competing businesses in the area selling alcohol. The Senior Licensing Officer detailed a number of premises in the locale that had licences to sell alcohol.

PC Whitcombe made his representation. Sussex Police had contended that it was not necessary for the shop to serve alcohol from 6:00am every morning until 23:30 Thursdays to Sundays and that a later opening time of 8:00am would deter street drinkers from coming to the area. A suggested change of 23:30 to 23:00 Thursdays to Sundays would reduce incidents of anti-social behaviour as people leaving pubs would have reduced opportunity to purchase alcohol. The PC informed members that two premises in the area (bargain booze and gadgets) were currently subject of a licensing review.

A Member asked if there were recorded specific incidents in the area of the shop. The PC informed the Committee that in the month of April there had been 151 specific incidents linked to Anti-Social Behaviour which had made up 42% of the total crime for that area.

The applicant's representative asked if street drinking had been the cause of the police seeking to review the two premises in south Street. The PC confirmed that the premises were not subject to a review because of street drinking.

The applicant's representative asked what percentage of the 151 Anti-Social Behaviour incidents had been related to alcohol. The PC responded that those figures were not available although he could vouchsafe from personal experience that incidents of anti-social behaviour were often related to alcohol.

The applicant's representative asked if there had been any reported problems relating to the sale of alcohol between 6am and 8am in the morning. The PC replied that there was currently no problem in the area but that Sussex Police had wanted to avoid the problem developing in future.

The applicant's representative asked if problems with street drinking had been mainly confined to the town centre. The PC informed the Committee of the section 30 dispersal order in place in the town centre, he reiterated that the problem was not limited to the town centre and was an expanding issue.

The applicant's representative asked how many shops in the vicinity of the applicant's had issues with street drinkers. The PC stated that there was no evidence within his knowledge.

The applicant's representative made a representation on behalf of the applicant. Members were told of a verbal agreement between the applicant and the Police that 25% of the total display of goods could be used for the display of alcohol as opposed to the 10% stipulated in the report before members. This point was clarified later in the hearing and it was confirmed that the situation was agreeable to the police.

The applicant's representative highlighted a section in the guidance to the Licensing Act 2003 that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are exceptional reasons related to the licensing objectives, in particular 'the prevention of crime and disorder' and 'the prevention of public nuisance'. Members were told that it was extremely unlikely that the opening hours sought by his client would lead to serious disorder.

The applicant's representative informed the Committee that the applicant had attended a responsible retailer course ran by the Council that Sussex police had contributed to.

A Member asked the applicant who would be buying alcohol at 6:00am in the morning. The applicant told members that he was not expecting many people to buy alcohol at that time. When asked why he wanted to be able to sell alcohol between 6am and 8 am the applicant related that it would be difficult and financially expensive to differ the times of his alcohol licence with those of the shop opening hours.

The applicant confirmed that the responsible retailer training would be disseminated to other staff additionally staff would be receiving appropriate Licensing act training with refresher courses every six months.

The applicant related to members that his family had been running the shop for fourteen years and that the hours sought for the sale of alcohol would mean that the operating hours of the shop would be extended beyond what was currently in operation.

In answer to a question from the PC regarding staffing, the applicant confirmed that there were six to seven paperboys working in the shop during the morning whilst paper rounds were being organised, however supervisory staff were given different duties to reduce the risk of theft, also it was planned that alcohol would be displayed away from the entrance to the shop to further reduce the risk of theft.

The PC asked if the applicant was aware of the problems of street drinking within Worthing. The applicant informed the Committee that he was aware of the problems of street drinking although they were most prevalent in Worthing Town Centre. The applicant was unaware of any evidence of a street drinking problem within Tarring.

In summing up the applicant's representative told the committee that he did not see that any evidence had been presented to suggest that the premises would not uphold the crime and disorder licensing objective.

In summing up the PC told the committee that the Licensing Act 2003 promoted prevention of future problems and that in making the representation the police had used their knowledge and expertise to suggest an amendment to the licensing hours for the sale of alcohol, his opinion was that the applicant had done nothing to suggest that the crime and disorder licensing objective would be promoted with an earlier opening time.

*The meeting was adjourned at 10:49am and the sub-committee retired to consider its decision*

*The meeting was reconvened at 11:14am*

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 here were the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

**Resolved:**

- i) that the premises licence shall be granted for the sale of alcohol off the premises at the following times:
  - Sunday to Wednesday between 6am and 11pm
  - Thursday to Saturday between 6am and 11.30pm
- ii) The conditions attached to the licence are to be those agreed between the Police and the Applicant and detailed in the Police Memorandum dated 14<sup>th</sup> May 2014 with the exception of condition 5 which is to read:
  - "no more than 25% of the area available for display of retail goods will be used for the display of alcohol products"

**Reasons for Decision:**

The Licensing Sub-Committee was satisfied that the opening hours would not undermine the licensing objectives. The Police had not provided any information or evidence to support their case that opening between 6am and 8am would undermine the licensing objectives.

**Further Observations by the Committee:**

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 11.19am, it having commenced at 10.00pm.

**Chairman**