

**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 29 April 2015

Councillor Paul High (Chairman)

Councillor Heather Mercer

Councillor Robert Smytherman

LCCB/14-15/27 Declarations of Interest / Substitute Members

Councillor Paul high declared a non-pecuniary interest that Mr M Mitchell (making a representation at the hearing) was known to him.

LCCB/14-15/28 Change of Order of Agenda Items

The Chairman announced that with agreement of all parties there would be a change to the order of agenda items

**LCCB/14-15/29 Licensing Act 2003 – Application for a new Premises Licence at:
Sainsbury's, 341 Goring Road, Goring-by-Sea, Worthing, BN12
4NX**

Before the Sub Committee was a report by the Director for 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 3.

The application had been the subject of formal representation by a responsible authority and a local residents' association. It therefore fell to the sub-committee to determine. The applicant and responsible authority (Sussex Police) had been in mediation and an agreement had been reached between the two parties. The local residents association 'the ILEX conservation group' had not agree to mediate and the group's Chairman had sent a letter to the committee addressing the mediation between Sussex Police and the applicant. A copy of the letter is attached to the signed copy of the minutes. A representative from the ILEX group did not attend the hearing.

In the absence of those making representations the solicitor for the applicant made a brief representation to the Committee in which he highlighted the fact that Sussex Police had withdrawn their application following mediation. It was asserted that the hour of sale between 10pm and 11pm was in place at other stores locally.

A Member asked the applicant's solicitor who bought alcohol at 7am. The applicant's solicitor replied that it was not thought that there would be many people buying alcohol at

that time of the morning. However the applicant was seeking to sell alcohol to match its opening hours for reasons of convenience, cost and the appearance of the store.

Upon answering a question the applicant's solicitor explained that Sainsbury's would volunteer to restrict hours of opening and gave an example of a Sainsbury's in a difficult area of Newcastle that varied its hours following a consultation carried out with the Police, however each application should be decided upon its merits and the premises before the Sub-Committee was different to the one described in Newcastle.

A Member asked if there was national evidence to suggest a rise in refusal sales between 10pm and 11pm. The applicant's solicitor stated that there was no such evidence but anecdotally it was felt that it was quiet between 10pm and 11pm. A Sainsbury's store manager who was present at the hearing added that if a problem occurred it was likely that this would occur between 7pm and 9pm which was when people purchased and consumed alcohol before going out.

A Member asked if the applicant would be willing to volunteer conditions concerning the prohibition on the sale of single cans and high strength beers and ciders. The applicant's solicitor stated that there was already a policy in place at Sainsbury's with regards to these issues and that he was not authorised to volunteer those conditions (which had not been raised as part of any representation).

During questioning the applicant's solicitor confirmed that Sainsbury's would be willing to engage with local people.

The meeting adjourned at 7.02pm and reconvened at 7.15pm

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: that the premises licence should be:

- I. Granted, as requested, for the sale of alcohol between the hours of 0700 hours and 2300 hours Monday to Sunday inclusive;
- II. The licence will contain the conditions that were agreed between the applicant and Sussex Police. These conditions are detailed at paragraph 8.2 of the report attached to the signed copy of these minutes

Reasons for Decision:

The licensing sub-committee is satisfied that with the additional conditions that have been agreed, 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.

Advice to Parties Present:

Those who have 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

Additional observations by Members

The Licensing Sub-Committee is pleased to note that Sainsburys wish to partake in dialogue with the ILEX Conservation Group and further that Sainsburys policy is not to sell beers, ciders or lagers above 5.5% ABV and that all sales of beers, ciders and lager are in multipacks.

LCCB/14-15/30 Licensing Act 2003 – Application for a new Premises Licence at: No. 7 Limbrick Corner, Limbrick Lane, Worthing, BN12 6JL

Before the Committee was a report by the Director for Communities, a copy of which had been distributed to all Members, a copy of which is attached to a signed copy of these minutes as item 2.

The application had been the subject of formal representation by a responsible authority and nine other persons. It therefore fell to the sub-committee to determine. The responsible authority (Sussex Police) had been in mediation with the applicant and agreement had been reached with the applicant volunteering all of the conditions requested by Sussex Police (with one small amendment - as detailed in the report attached to the signed copy of these minutes). No such agreement had been made with those others who had made a representation.

Mr Mitchell, a local resident was invited to make a representation. Mr Mitchell told Members that there had been a lot of anti-social behaviour linked to alcohol consumption in the local area including problems with fighting and underage drinkers. Members were told that ambulances and police were regularly called to the area because of anti-social behaviour caused by drinking. There were three premises within a 75 meter radius. Mr Mitchell told the Committee that the proposed premises was vulnerable because it was 'tucked away' from the main shopping parade.

Mr Mitchell was questioned by the sub-committee and answered questions about CCTV in the area and whether local off-licences had been caught selling to underage drinkers.

The applicant asked Mr Mitchell if he would be willing to work with them if they were to be granted the licence and Mr Mitchell confirmed that he would.

The applicant made his representation to the committee. Members were told that this was the applicant's first business and he looked forward to supplying the local community. He had a young family that would be living above the shop and would not stand for any anti-social behaviour.

Mr Mitchell questioned the applicant about the quality and positioning of the Shop's CCTV. The applicant explained that CCTV would cover the inside and outside of the shop and would provide a high quality picture.

A Member asked about the experience of the proposed DPS. They were told that the DPS had ten years experience of running a shop in Copthorne as well as a post office and some other small stores. A Member asked the DPS who would normally buy alcohol at 6am. The DPS stated that in copthorne this would be airport or hotel workers, however the licence was being applied to match the business opening hours for reasons of convenience, cost and the appearance of the store.

A Member asked if the applicant would be willing to volunteer conditions concerning the prohibition on the sale of single cans and high strength beers and ciders. The applicant stated that if he volunteered such a condition then it would put him at a disadvantage with local competition. however, if there were evidenced problems linked to the sale of single cans and high strength alcohol then he would seek to resolve it.

The parties were invited to sum up

Mr Mitchell stated that the granting of the premises licence would lead to a rise in anti-social behaviour and that was the reason he was objecting.

The applicant invited the objectors to talk with them to help them understand the new area and avoid difficulties.

Resolved: that the premises licence should be:

- III. Granted, as requested, for the sale of alcohol between the hours of 0600 hours and 2300 hours Monday to Sunday inclusive;
- IV. The licence will contain the conditions that were agreed between the applicant and Sussex Police. These conditions are detailed at paragraph 7.2 of the report attached to the signed copy of these minutes

Reasons for Decision:

The licensing sub-committee is satisfied that with the additional conditions that have been agreed, 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.

Advice to Parties Present:

Those who have 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

Additional observations by Members

The sub-committee is pleased to note that the applicant and duty premises supervisor wish to partake in dialogue with the local community and particularly Mr Mitchell. The sub-committee would encourage such dialogue which we think would be very useful as the applicant is new to the area.