

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

Council Chamber, Town Hall, Chapel Road, Worthing

Thursday 09 June 2016

Councillor Paul High (Chairman)

Lionel Harman

Susan Jelliss

*Absent

LCCB/16-17/01 Declarations of Interest

There were no declarations of pecuniary interest

LCCB/16-17/02 Public Question Time

There were no questions from Members of the Public

**LCCB/16-17/03 Licensing Act 2003 – Application for a new Premises Licence
Lyndhurst Road Post Office, 46 Lyndhurst Road, Worthing**

Before the Sub Committee was a report by the Director for Communities, a copy of which was circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 3.

The report before Members asked the Sub Committee to consider and determine the application for a new Premises Licence to authorise the sale of alcohol for consumption on & off the premises. The application had been the subject of formal representation by a responsible authority and three local residents and it therefore fell to this sub-committee to determine. Mediation had been successful between the applicant and Sussex Police. However, given the nature of the public representations a mediated agreement was considered unlikely.

No objectors were present at the hearing

Licensing Officer introduces report

The Licensing Officer outlined the report for the Sub-Committee and it was confirmed with the applicant that the outline was accurate

Questions on the report from Members

Members asked about a discrepancy in the report regarding licensing hours and it was confirmed that hours should read 06:00 to 23:00 Monday to Sunday

Representation of the Applicant

The applicant's representative made a presentation to the Sub-Committee which is summarised as follows:

- The applicant was an experienced DPS
- A large number of comments noted on the petition submitted to the Committee were not relevant;
- There would be a strict Challenge 25 Policy
- The premises was not going to close any later than the pub situated nearby;
- The applicant would put up a 'please leave quietly' sign;
- The applicant would not want to upset his neighbours;
- The applicant may close early if the business was quiet;
- If the applicant saw anyone loitering outside he would ask them to move on;
- The applicant would not be selling alcohol with an ABV % of more than 6.5%;
- Staff would be trained regularly and a register of the training would be kept by the applicant;
- If provided by the Police, the applicant would put up a relevant sign indicating that alcohol could not be consumed on the streets.

Questions for the applicant from Members

The applicant answered questions about the business' current hours of opening and other businesses in close vicinity to the premises. Members were told that the premises currently closed at about 5:30pm and that there was a pub and late night take away in close vicinity to the premises. The applicant clarified details about the layout of the shop.

The applicant was asked who bought alcohol at 6:00am in the morning. The applicant explained that he wanted to match the licence with the opening hours of the shop to avoid misunderstanding and error in the morning when staff would be dealing with newspapers.

The applicant was asked about street drinkers and told Members that he would not serve street drinkers and refusals would be kept in the refusals book

Summing up of the Applicant

The applicant did not have anything to add

The meeting adjourned at 6:51pm to consider its decision

The meeting reconvened at 7.03pm

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 also gave regard to Human Rights legislation and the rules of natural justice. Due consideration had 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 Protection of Children from Harm.

Resolved: that the premises licence should be granted, as requested, for the sale of alcohol between the hours of:

- 0600 hours and 2300 hours Monday to Sunday

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, a copy of which is attached to the signed copy of these minutes.

Reasons for decision: The applicant has taken into account the concerns of the Police and conditions were agreed between the parties prior to this hearing. Concerns were raised by a local resident and a petition. Those concerns included detrimental effect on property values and necessity - those concerns are irrelevant to this application and have been disregarded by the sub-committee. It should be noted that the vast majority of the comments made by the signatories were disregarded as they did not relate to the licensing objectives. However the resident and some signatories to the petition also raised concerns of noise disturbance and an increase in anti-social behaviour. The licensing sub-committee has considered those representations but is satisfied that with the additional conditions agreed by the applicant the premises licence would not undermine the licensing objectives.

Comments from the Sub-Committee: The Sub-Committee would encourage Mr Arulchevlam to sign up to and participate in the Enough is Enough campaign which a number of local off-licences are involved

Advice to Parties: 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

The meeting was declared closed at by the Chairman at 7:10pm, it having commenced at 6.30pm.

Chairman