

**Minutes of a meeting of the
Worthing Borough Council
Licensing and Control Sub-Committee B**

Remote Via Zoom

23 November 2022

Councillor Sally Smith (Chair)

Councillor Russ Cochran

Councillor Andy Whight

LCSC/11/22-23 Declarations of Interest / Substitute Members

Cllr Russ Cochran declared that he held his street surgery in Castle Ward at which people had raised the subject of this application. He declared that he had not commented on the application as he was unaware of it.

There were no substitute members.

LCSC/12/22-23 Public Question Time

There were no questions from members of the public.

LCSC/13/22-23 Licensing Act 2003 – Application for a new Premises Licence.

Before the Sub-Committee was a report by the Director for Communities, which has been circulated to all Members.

Presenting Officer outlined the application

The Licensing Officer outlined the application before members. Members were advised that the application had been the subject of formal representation by one responsible authority, the Police and 3 members of the public. The Officer clarified that the Police had withdrawn their representation given that the applicant had agreed to amend the hours requested and other additional conditions suggested by the Police.

The applicant's agent confirmed that the Licensing Officer had provided an accurate outline of the application.

Questions from Members for the presenting Officer

There was none.

Representation from Resident

The representor addressed issues including:

- The amount of theft from shops in this area at present, particularly involving young people

- Concerns that another retail establishment selling cigarettes and alcohol would exacerbate the problem
- The police already appear to be struggling to cope with enforcement in that area.
- Concerns that to keep up with competition the applicants store will be less than diligent in observing the laws on selling cigarettes and alcohol

Questions from Members for the Resident

There were none.

Questions from Applicant for the Resident

There were none.

Representation from the Applicant's Agent.

The applicant's agent made a representation which is summarised as follows:

- The applicant had five years' experience of running similar establishments
- The applicant intended to employ four or five staff for the store
- Spirits were to be kept behind the counter and the premises had a small interior room which would be used to house the rest of the alcohol for sale. This was hoped to reduce theft of alcohol
- The applicant intended to take measures to observe the licensing objectives including protecting children from harm by adopting the "Challenge 25" policy and asking for the recommended ID when necessary
- The applicant planned to ensure all staff were fully trained in the lawful selling of age restricted products
- The application hours had been reduced as per the Sussex Police's recommendation

Questions from Members to the Applicant.

Members had questions for the applicant regarding:

- The planned layout of the store and if Premier Store had had an input in that plan
- Concerns that the planned alcohol sales area was next to a back door and that this may encourage shoplifting
- The type and size of CCTV system the applicant planned to install
- Whether the applicant had performed any market research in the area and had that been at the relevant times of day as per the objections of residents
- How often the DPS, who was also the applicant, would be visiting the store
- The DPS's commute time from their home
- Was alcohol delivery part of the business plan and how much of this type of business was the applicant expecting

The applicant and the agent addressed these queries as follows:

- The applicant had planned the store layout with an input from Premier Store
- A comprehensive CCTV system was planned to cope with any shoplifting issues
- With regards to the CCTV system 21 cameras were planned in all with 2 of them being external
- The applicant had performed extensive market research in the area at various times of day

- The applicant confirmed she would be visiting the store daily and her commute time was approx 50 minutes. She also clarified that she would be able to monitor the premises on her smart devices
- Alcohol delivery was part of the business plan but this would be undertaken by other companies such as Deliveroo. The applicant felt that, as there were so many other options for customers, this aspect of their business would be minimal

Questions from Resident to the Applicant.

- The resident questioned the applicant's agent with regards to how the problem of theft of alcohol and cigarettes, particularly by young people, would be addressed

The applicant responded by reiterating as follows

- The plans for staff training
- The extensive CCTV system that would be utilised
- The applicant being already very experienced in the issues

Summing up by the Applicant's Agent

The applicant's agent reiterated his previous comments regarding how the establishment would be managed and the plans for CCTV and staff training and invited the committee to view the application in a positive light and to grant the licence.

The meeting adjourned to go into closed session at 7.07pm

Resolved:

The Sub-Committee considered all the written & oral representations and heard statements from the applicant's representative. It resolved that a Premises Licence be granted with all the conditions agreed during mediation with Sussex Police and the amendment to the timings volunteered by the applicant prior to the hearing.

The grant of the licence is also subject to all the relevant conditions volunteered by the applicant in the operating schedule and the mandatory conditions required by the Licensing Act 2003 and all other relevant legislation.

The reason for the decision is:

The Licensing Sub-Committee were satisfied that with the inclusion of the additional conditions including the reduced opening hours from 0600 hrs to 2300 hrs, as detailed at paragraph 8.2 of the report, the licensing objectives would not be undermined.

In discharging its functions the Sub-Committee did so with a view to promoting the Licensing objectives.

The Sub-Committee had listened carefully and considered all written representations that have been made. They were, however, satisfied that with the conditions proposed and agreed during mediation and the amended hours that the licencing objectives would not be undermined.

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 Licencing 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 when you do not have a licence in place and you may be prosecuted.

The meeting ended at 7.30 pm

Chair