

Licensing Sub Committee Agenda

Monday, 8 September 2014 at 2.00 pm

Committee Room 3 - Town Hall, Queens Road, Hastings TN34 1QR

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		Page No.
Members of the Licensing Committee selected to sit on this hearing are:		
Councillors Batsford, Charlesworth and Sabetian, with Councillor Charman in reserve.		
1.	Appointment of Chair for this meeting	
2.	Apologies for Absence	
3.	Declarations of Interest	
4.	Minutes of meeting held on 15 July 2014 (for information)	1 - 4
5.	Notification of any additional urgent items	
6.	Application for a Premises Licence: Yella Shop, 34 Kings Road, St Leonards on Sea (Corporate Director, Environmental Services)	7 - 34
7.	Additional urgent items (if any)	

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LICENSING SUB COMMITTEE

15 JULY 2014

Present: Councillors Roberts (in the Chair), Sinden, Webb with Atkins in reserve

1. APPOINTMENT OF CHAIR

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Webb moved that Councillor Roberts should take the Chair. This was seconded by Councillor Sinden.

RESOLVED (unanimously) that Councillor Roberts be appointed as Chair for the duration of the meeting.

2. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE: UNION BAR, CAMBRIDGE ROAD, HASTINGS

Councillor Roberts set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application for the review of a premises licence for Union Bar, Cambridge Road, Hastings.

Mr Brown, Licensing Manager, presented the report. Since the publication of the report, he informed the committee that a discussion had taken place between Mr Steeds, Principal Environmental Health Officer; the Designated Premises Supervisor (DPS) and the Leaseholder regarding the revised conditions proposed by Mr Steeds.

Mr Steeds, Principal Environmental Health Officer, who brought the review made his submission on the grounds of the Prevention of Public Nuisance. He informed the committee that the conditions of the licence had been persistently breached by noise outbreak from patrons and music at the premises.

In support of his review, he referred to the longstanding history of complaints received from local residents regarding noise disturbance at the premises and the witness statements received from the Council's Senior Licensing Officer and the Principal Environmental Health Officer. These complaints and witness statements were appended to the report under Appendix A of the agenda.

Mr Steeds said he had written to the licence holder; designated premises supervisor (DPS) and the leaseholder, routinely regarding complaints received by the Council concerning music escaping from the premises through the windows and doors and

LICENSING SUB COMMITTEE

15 JULY 2014

patrons standing outside the premises. Mr Steeds said the licence holder and DPS had been offered advice from the council to assist them in complying with the current licence condition's, however, at no time had either party engaged with him to resolve these issues.

Since the publication of the agenda, Mr Steeds said he had met with the DPS and Licence Holder to discuss the breach of conditions and his recommendations to revise the licence. His recommendations included eight new conditions and the removal of the current DPS, Mr Francis.

Mr Francis, the DPS, informed the committee that due to a recent change of circumstances, he was no longer the DPS of the second premises, only the Union Bar.

Mr Osmond, the Leaseholder, confirmed he was fully in agreement with what had been said and understood that they needed to change the way they operated. He understood that he had not responded in a satisfactory way and the frustration this had caused.

Mr Steeds, sought clarification from Mr Osmond on how they would change the way they operated. Mr Francis said that if he received a letter from the council he would either respond in writing or by telephone to state what action they were taking.

Mr Brown asked Mr Francis what he understood his duties were as the DPS. Mr Francis said he would make sure he was in compliance with the licensing objectives, for example he would close the premises on time, check ID and support the licence holder. Mr Brown also asked what steps he had taken to resolve these issues. Mr Francis said he contacted Mr Osmond regarding the budget and he would ensure they responded and did the works required.

Councillor Sinden asked why they had not taken the time to address the noise outbreak from the doors and windows. Mr Osmond said he had addressed the front of the building by installing acoustic rated glass windows and a second door, and at the rear of the building acoustic rated back doors had been installed. He confirmed the back garden was now open to customers and he would manage the smokers.

Councillor Webb asked Mr Osmond how he would improve the relationship with his neighbours. Mr Osmond said he would be happy to supply and post cards giving their contact details.

Councillor Roberts asked if they had used SIA staff before. Mr Osmond confirmed they had for events with a significant number of people attending, because it made the event easier for them to manage. Councillor Roberts went on to ask what training Mr Francis had undertaken and whether he was still the DPS of another premise. Mr Francis confirmed that he had undertaken training and that he had given up the position of the DPS at the other premises. Councillor Roberts advised him that he should have responded and engaged with Mr Steeds. Mr Francis acknowledged this.

Mr Brown clarified the legal responsibilities of the DPS and advised that the main purpose of the DPS was for day to day running of the premises and to be the point of accountability. He also pointed out that Mr Francis continued to be the DPS of a bar

LICENSING SUB COMMITTEE

15 JULY 2014

in St. Leonards and at this time, he had not received a request to remove him from that position.

RESOLVED (unanimously) that, the Sub-Committee uphold the review subject to the retention of the Designated Premises Supervisor (DPS); a site survey for the rear of the premises and the following conditions:-

1. The premises licence holder shall ensure that on Fridays, Saturdays and Sundays at least one Security Industry Authority (SIA) approved supervisor will be present when live and recorded music is taking place:
 - Ensure that orderly queuing is maintained.
 - Ensure that noise is kept down from those who are queuing at the front entrance of the premises.
 - Ensure that noise is kept down from those who are using the back garden.
 - Assist with the dispersal of customers 30 minutes after the licensable activity has ceased.
2. From Monday to Thursday a responsible member of staff shall be in attendance in the vicinity of the exits to assist with the dispersal 30 minutes after the licensable activity has ceased to ensure that patrons disperse quietly.
3. Noise and music arising from the licensed premises is to be barely audible at the facade of, or in, any residential premises. Noise shall include that arising from all mechanical or electrical equipment used by the premises and noise arising from customers in the premises.
4. The premises licence holder must carry out the written scheme of sound proofing to the rear of the premises in accordance with the site survey (site survey of the rear of The Union Bar, 57 Cambridge Road, Hastings, TN34 1EL) within 2 months of the hearing. On completion of all relevant works the premises must be approved by the Environmental Protection Team.
5. Persons using the front of the building shall not be permitted to take drinks out with them.
6. Where the premises operates with live or recorded music all doors and windows at the front and rear of the premises are to remain closed, save for access and egress.
7. To prevent the escape of music and noise from customers inside the premises the lobby shall not be used for any other activity by patrons or staff save for access or egress.
8. The premises will make available to local residents a contact number of the designated premises supervisor or representative so that any complaints can be dealt with promptly.

LICENSING SUB COMMITTEE

15 JULY 2014

Reason - The Committee believe that Mr Francis has previously not engaged fully with his duties as DPS. The Committee hope that this process has assisted him in realising those duties.

The Committee is encouraged that there has been meaningful contact between the Council's Environmental Health Department and the licensed premises.

The Committee have had regard to it's own licensing policy and the guidance issued by the Secretary of State.

(The Chair declared the meeting closed at. 6.38 pm)

Licensing Sub Committee Procedures Agenda Item

1. The Chair's Introduction and Explanation of the Procedure, which will be followed

- α Introduce Members and Officers and invite the applicant, objectors and any representatives to the table, asking them to introduce themselves.
- α Explain that the hearing will follow a procedure, and that is that the Officer will make his report, followed by the Consultees such as the Police and then the Objectors and finally the Applicant. There will be an opportunity for questions. Members may ask for clarification from the Licensing Officer and Summaries may be given if required.
- α Ask if the Parties received the report and are ready to proceed.
- α If any Party to the hearing fails to attend ask Members to consider whether to adjourn the hearing or to proceed in the Party's absence.
- α Consider any request made by a party to have another person (other than a legal representative) to assist them, (**permission not to be unreasonably withheld**).

The Hearing of each application will then follow the order set out below:

2. Summary of report by Licensing Manager / Officer.

3. Statutory Consultees (Police, Fire Service, Environmental Health) each make submissions on the application.

Any questions for Statutory Consultees from

- α Applicant / Representative?
- α Objectors?
- α Officers?
- α Members?

4. Other Objectors each make submissions on the application.

Any questions for Objectors from

- α Applicant / Representative?
- α Statutory Consultee?
- α Officers?
- α Members?

5. Applicant / Representative make submissions on the application / call any witnesses.

Any Questions for Applicant / Representative / Witnesses from

- α Statutory Consultees and Objectors?
- α Officers?
- α Members?

6. Do Members require any clarification from the Licensing Manager / Officer?

If clarification given, questions on clarification only from:

- α Applicant / Representative?
- α Statutory Consultees and Objectors?
- α Members?

7. Summaries (if required)

- α Licensing Manager / Officer summing up
- α Statutory Consultees and Objectors' summing up
- α Applicant/Representative summing up

8. Decision Making

- α Members retire to discuss the application, propose and second a recommendation and vote on this.
- α They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- α The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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Agenda Item No:

Report to: Licensing Sub-Committee

Date of Meeting: 8th September 2014

Report Title: Premises licence application. Yella Shop with representations.

Report By: Mike Hepworth
Head of Environmental Services

Purpose of Report

To consider the application for a new premises licence as a result of representations received.

Responsible Authorities. One

Interested Parties. Three.

Recommendation(s)

- 1. Members consider the content of the report, the options available and reach a decision.**

Reasons for Recommendations

The Licensing Act 2003 requires a licensing sub committee to consider such applications when appropriate representations have been made. The decision reached at the sub committee can be subject to appeal by any party to the hearing who is aggrieved by the decision.

Introduction

1.0 Background History

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 18th July 2014 Hastings Borough Council received an application for a new premises licence for Yella Shop, 34 Kings Road, St Leonards on Sea from Licensing Services Agency, 16 Bengeo Street, Hereford, SG14 3 ES on behalf of Mr Anantharajah Thirukkumar of 24 Garston Lane, Kenley CR8 5BA, made under section 17 the Licensing Act 2003. (Attached at appendix A).
3. This premises is an existing trading premises that does not hold a licence under the Licensing Act 2003 and is now applying for a new premises licence, (Attached Appendix B.)
4. The premise is located within Area 3 (Central St Leonards) of the Council Special Saturation Policy (Cumulative Impact).
5. The Special Saturation Policy (Cumulative Impact) is contained within the Council's Licensing Policy, it states "Each application will be considered on its own merit. Where no representations are received, any application will be granted in terms consistent with the operating schedule. Where relevant representations are received in relation to applications for the grant of a new premise licence, club premise certificate or provisional statement; there will be a presumption against the grant of such licence or certificate unless the applicant, in the operating schedule, can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives." Applicants are advised to seek legal advice if making an application for a licence in a Special Saturation Area.

2.0 Application

6. The application requests the following:
7. To have supply of alcohol for Off sales on Monday to Sunday from 07.00hrs to 23.00 hrs.
8. To have opening hours of the premises, Monday to Sunday 07.00hrs to 23.00hrs.
9. When submitting an application for a licence under the Licensing Act 2003 the applicant is asked to describe what steps they intend to take to promote the four licensing objectives:-
 - the prevention of crime and disorder,
 - public safety,
 - prevention of public nuisance,

- protection of children from harm.

10. In this case the applicant has made a declaration on page 19 of the application.(See appendix A)

3.0 Consultation

11. The Licensing Act 2003 requires an applicant to advertise their application once in a local newspaper and on the premises by way of an approved notice for 28 days to allow for representations to be made, this has been done.
12. Copies of the application are required to be served on a list of responsible authorities at the same time as placing the application before the local authority, this has been done.
13. As a result of this process a representation has been received from Chief Inspector Phelps, Hastings Police Commander, he comments on the application and the proposed activities, he also comments on the applicant's failure to demonstrate adequately that there will be no negative cumulative impact as the premises is within the St Leonards town centre saturation zone. He further comments on the existing problems in the area and as part of his application he includes a statement from a local police sergeant. Sussex police invite the sub committee to refuse the application. I consider this a valid representation under the licensing objectives (Prevention of crime and Disorder) (Attached appendix C.)
14. Three further representations have been received from local interested parties, one from a resident, a second from a nearby business and a third from a representative of the Town Centre team, they comment on the existing problems in the area and how this application will add to those issues. I consider these to be valid representations under the Act. (Attached appendix C).

4.0 Legal Considerations

15. The Licensing Act 2003 is now the only legislation that allows premises to be licensed for either the sale of Alcohol or the supply of regulated entertainment.
16. If a relevant representation to an application is made by either a responsible authority or an interested party and no compromise can be reached between the parties, a hearing must be held.
17. The Department for Culture, Media and Sport has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
18. All members of the Licensing Committee have been supplied with copies of the DCMS Government guidance and the Hastings Borough Council Statement of Licensing Policy.
19. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, Article 1 of the first protocol and article 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Holding a justices licence would be considered a possession. Article 8 relates to

the right to respect for private and family life, home and correspondence. These are however qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:-

20. Has its basis in law;
21. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
22. Is proportionate to the aims being pursued; and,
23. Is related to the prevention of crime; or, the protection of public order or health.
24. If members chose to refuse the application in full or in part, the applicant has a right of appeal to the Magistrates’ Court. There is also a right of appeal to conditions imposed as a result of the hearing by any person affected by the decision.

5.0 Options

25. Grant the application in full
26. Grant part of the application
27. Grant the application with conditions relevant to the application
28. Refuse the application.

Wards Affected

Central St. Leonards

Area(s) Affected

South St. Leonards

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People’s Views	Yes

Background Information

Appendix A. Copy of the Application.
Appendix B. Map of Site.
Appendix C. Representations.

Officer to Contact

Bob Brown. Licensing Manager.
bbrown@hastings.gov.uk
01424 783249.

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Sussex Police
Serving Sussex

www.sussex.police.uk

Hastings District

8th August 2014

Licensing Manager
Environment and Safety Directorate
Aquila House
Breeds Place
Hastings TN34 3UY

Dear Mr Brown,

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE FOR THE YELLA SHOP 34 KINGS ROAD ST. LEONARDS ON SEA EAST SUSSEX TN37 6DX

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application. The basis for the opposition is that the variation of the premises licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance but instead, will give rise to potential negative cumulative impact via an increase in public nuisance and crime and disorder.

The application has been submitted by Ms Deborah Sylvester, Licensing Services Agency on behalf of the applicant Mr Anantharajah Thirukkumar.

The premises, which occupy the ground floor only, have been operating predominantly as a newsagent, by the current owner, for the past seven years. The current owner is in negotiation with the applicant to sell the premises which should be completed in the next few weeks.

The hours the premises will be open to the public are:
Monday to Sunday 07:00hrs - 23:00hrs
There are no seasonal or special event variations.

The application is for the grant of a premises licence, made under Section 17 of the Licensing Act 2003, for the licensable activity, supply of alcohol. Times requested for the licensable activity are:
Monday to Sunday 07:00hrs - 23:00hrs
There are no seasonal or special event variations.

The nominated Designated Premises Supervisor is the applicant, Mr Anantharajah Thirukkumar.

The concentration of licensed premises within a small area of the town causes problems of crime and disorder and public nuisance. This applies to off-licences due to problems of street drinking, dispersal issues, preloading and excessive drinking and related disorder. In consequence of this,

Hastings Police Station
Bohemia Road, Hastings, East Sussex, TN34 1JJ

Telephone: 101 | Ext 560221

following extensive consultation in 2007, the Licensing Authority in January 2008 believed it was both appropriate and necessary to introduce the Special Saturation (Cumulative Impact) Policy. The policy was reviewed in 2009 when small amendments were made. Further reviews took place in January 2011 and February 2013 resulting in the three areas being retained with no additional modifications.

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003, amended in June 2014 provides, "The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licence, club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

This principle is reflected in the Hastings Borough Council Special Saturation (Cumulative Impact) Policy contained within the Hastings Borough Council Licensing Policy.

These premises are situated within Area 3 of the Special Saturation (Cumulative Impact) Policy in which there is a presumption that any new premises licence or variation will be refused. This policy was introduced and reviewed because of the pressure created by the density of licensed premises in Central St. Leonards on Sea area. Hastings Borough Council Licensing Policy says, "This policy relates to applications for the grant and/or variation of premise licences, club premises certificates or the issue of provisional statements. Each application will be taken on its own merit" where relevant representations are received in relation to applications for the grant of a new premises licence, club premises certificate or provisional statement; there will be a presumption against the grant of such licence or certificate unless the applicant, in the operating schedule, can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

Contrary to the Secretary of State's Guidance, the applicant has failed to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application makes no reference to Special Saturation (Cumulative Impact) Policy and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Sect 1.11 of the Hastings Borough Council's Licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

The area of central St. Leonards on Sea has a significant problem with street drinkers; the behaviour of these persons having a major effect not only on the local residents but also on visitors to the town. Other legislation and initiatives have been introduced in order to support the Hastings Borough Council Special Saturation (Cumulative Impact) Policy and the alcohol fuelled anti social behaviour. These being:-

- Reduce the Strength Campaign.
- Designated Public Place Order.
- Operation Confront, which involves deploying officers to disperse street drinkers and others involved in alcohol related anti-social behaviour.

In addition recognising the problems associated with street drinking the following actions have been taken:-

- A multi-agency forum has been set up, convened by Amber Rudd MP. Other attendees include Sussex Police District Commander Chief Inspector Phelps, representatives of Hastings Borough Council, local Councilors etc. The following actions resulted from that meeting:-
 - A police community office is being developed.
 - In July 2014 Sussex Police held a three day 'Street Community Pop Up Hub'.
 - The appointment of a new Project Outreach Worker.
- Hastings was selected to participate in a Home Office initiative, Local Alcohol Action Areas (LAAA) which has been set up to tackle the harmful effects of irresponsible drinking, particularly alcohol-related crime and disorder and health harms. Twenty areas across England and Wales have been established as LAAA's. These are areas in which local agencies, including licensing authorities, health bodies and the police will work with businesses and other organisations to address problems being caused by alcohol in their area. Work in the local alcohol action areas will be focused on the key aims of reducing alcohol-related crime and disorder, and reducing the negative health impacts caused by alcohol. Underpinning both of these will be the goal of promoting diverse and vibrant night-time economies. Hastings Borough was selected as one of the areas to take part in the project electing to support the aims of reducing alcohol-related crime and disorder, and reducing the negative health impacts caused by alcohol.

Sgt Harston is the Neighbourhood Police Sergeant for Hastings South which includes the ward of Central St. Leonards. Sgt Harston has submitted a statement in support of this representation which is attached.

On 31st July 2014, Anthony Masters, Sussex Police Licensing Officer for the Hastings District sent an email to Ms Sylvester outlining the concerns of Sussex Police, however no response has been received. Neither the Applicant nor Ms Deborah Sylvester contacted Sussex Police seeking pre-application advice to enable them to fully understand the potential concerns of the statutory consultees.

Sussex Police contend that applying conditions to the premises licence will not address the problem and that the granting of a premises licence will undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Therefore Sussex Police invite the licensing committee to refuse this application.

Yours sincerely



Paul Phelps
Chief Inspector
Hastings District Commander
East Sussex Division

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

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Statement of: Simon Harston CH226

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:  CH226 Date 8/8/14

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the Neighbourhood Police Sergeant for Hastings South, which includes the Ward of Central St Leonards.

Neighbourhood Policing is about engaging with local people in order to identify and tackle problems in partnership with them and other agencies.

Neighbourhood Priorities are identified through Neighbourhood Panels, which consist of local residents, ward councillors and the police. The panel meets every three months and from the meetings three localised community priorities are agreed. One of the current priorities in Central St Leonards is street drinking and associated anti social behaviour. This priority consistently features as the number one priority for Central St Leonards.

In addition, through working closely with the community, councillors and other organisations we are able to identify local concerns and issues. Complaints are frequently received from the community including traders concerning street drinking and associated anti social behaviour. Some of the premises themselves are subject of the effects of anti social behaviour being in close proximity to the locations were street drinkers congregate. Community groups, such at the St Leonards Town Team and St Leonards Business Association frequently raise and voice their concerns around the issue.

Significant time, cost and resources are put into dealing with the problem by all organisations that have involvement with the issue.

Central St Leonards has seen significant inward investment and re generation in recent years and to not tackle the issue of street drinking and associated anti social behaviour with every tool at our disposal, could ultimately undermine public confidence in policing and partners and deter future inward investment and the

Signature:  CH226 Signature witnessed by: _____

MG11 5/2007

RESTRICTED (when complete)

continued re generation of the area.

For these reasons I am opposed to the application by YELLA SHOP, 34 KING ROAD, ST LEONARDS-ON-SEA for a premises licence. In my opinion Central St Leonards is already saturated with shops selling alcohol and to provide another one would give further opportunity for individuals to purchase alcohol, some of whom I have no doubt would be involved in anti social behaviour in the local area and as such would further increase demand on police, partners and a have a further negative impact on the local community. Whilst I am wholly opposed to the application I also have to query why the application is for alcohol sales form 0700 hrs and who the target audience would be because from my experience individuals with alcohol addiction and those who ultimately cause anti social behaviour through alcohol consumption are looking to obtain alcohol as soon as they wake up.

 A1226

Lined area for additional text or comments.

Gray's Emporium
21 King's Road
St. Leonards-on-Sea
East Sussex
TN37 6DU

HASTINGS BOROUGH COUNCIL

- 8 AUG 2014

26th July 2014

AQUILA HOUSE

Licensing Department
4th Floor
Aquila House
Breeds Place
Hastings
TN34 3UY

Re: Licensing Application for 'Yella Shop', 34 King's Road

I am writing to object to the above licensing application. As a business owner on King's Road, I believe the approval of this application can only have a detrimental effect on the local area. There is already a saturation of convenience stores licensed to sell alcohol within very close proximity to this premises, in an area which has a prolific and well documented problem with street drinking.

It is my concern that many of the social and public safety issues which affect our area could be exacerbated by the granting of this licence, just as measures put into place to mitigate the effects of the existing points of supply are beginning to take effect. I would hope the potential implications with regard to the following licensing objectives would be obvious:

1. The prevention of crime and disorder.
2. Public safety
3. The prevention of public nuisance.

On an individual note, my business has already been affected by local street drinking. We have had problems in the past with drink-related litter and as our shop entrance is set in from the street it is frequently used as a toilet. I fear having a licensed shop directly opposite my premises may increase these incidences.

The approval of this application would most certainly not be a step in the right direction for the on-going regeneration of the Central St. Leonards area and I have made this view known to the St. Leonards Business Association and Cllr. Jeremy Birch.

Yours Sincerely,



Ms. S. A Chapman
Gray's Emporium

Trevor Scrase

From: Cathy Simpson [REDACTED]
Sent: 12 August 2014 12:43
To: Licensing
Subject: Objection to Yella Shop, Kings Road, St Leonards, being granted a licence to sell alcohol

Dear Sirs,

Re: Yella Shop, 34 King Road, St Leonards on Sea

I note that the above shop has applied for a licence to sell alcohol, and would like to request that this is not granted for the following reasons:

The prevention of public nuisance - the area has a significant population of people who are heavy drinkers, who have been known to harass passers by and local shopkeepers whilst under the influence of alcohol. Harassment of passers-by and shoppers to the area is a nuisance not only to the sufferers themselves, but retail managers whose customers will be dissuaded from shopping in an area where regeneration is desirable.

Availability of alcohol obviously contributes to the problem, and an additional retail outlet will do nothing to remedy the existing fighting and harassment.

I have a great deal of sympathy for the street drinkers; it is obvious that they are alcoholics - but some of them also show the symptoms of long-term side effects of psychiatric medication, and it is likely that they are self-medicating with alcohol. I would be much happier if Hastings Borough Council put their energy into proper provision for people with mental health problems in the area, rather than granting licences to retail outlets which are likely to make the problem worse.

Yours faithfully,

Cathy Simpson

Cathy Simpson . [REDACTED]
[REDACTED]
[REDACTED]

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Bob Brown

From: Erica Smith [REDACTED]
Sent: 12 August 2014 16:54
To: Bob Brown
Cc: Suzy Best Wishes; Jan McTaggart
Subject: Objection to Yella Shop, Kings Road being licensed to sell alcohol – Ref no:SITE-EOC-50398E

Dear Mr Brown,

I wish to raise an objection to the application for the Yella Shop to be granted a licence for sale of alcohol.

I both live and work in the area surrounding Kings Road.

My concerns sit under 2 categories

The prevention of crime and disorder

You will be aware that Central St Leonards already has a problem with its street community.

Also, we already have enough low-cost alcohol outlets.

And I believe the person requesting the licence has not been responsive about a request to sign up to the 'Reduce the Strength' campaign.

The prevention of public nuisance

Likewise, another shop open for long hours selling low cost, possibly high strength alcohol is likely to cause public nuisance to residents of all ages (including children), and creates a threatening atmosphere for visitors to the area.

I am a member of both the Central St Leonards Town Team and St Leonards Business Association (SBA).

Whilst we have not had a formal discussion about this at a Town Team meeting (we only meet bi-monthly and were unaware of the licence request), I know that my concerns as expressed above are in accordance with the views of the Town Team.

We did discuss the licence at the last meeting of the SBA, and likewise, there was not support for more licenced premises in the Kings Road/London Road area.

I am cc-ing in the Chairs of the Town Team and SBA for reference.

Yours sincerely,

Erica Smith
Vice-Chair, Central St Leonards Town Team

Residential address:

[REDACTED]
[REDACTED]

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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ANANTHARAJAH THIRUKKUMAR

(insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description YELLA SHOP 34 KINGS ROAD			
Post town	ST LEONARDS ON SEA	Post code	TN37 6DX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£££7300

Deleted: £

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

1

WM 201408456

PRM 496

HOP 50487

Recd. 18/07/14

End 15/08/14

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname THIRUKKUMAR			First names ANANTHARAJAH		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		[REDACTED]			
Post Town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	5	08 2014

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	07:00	23:00			
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00			
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name ANANTHARAJAH THIRUKKUMAR	
Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) 10/0854/LAPER	
Issuing licensing authority (if known) ROTHER DISTRICT COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 None (except for the sale of alcohol)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

TRAINING OF ALL STAFF ON THE PREMISES TO ENSURE THAT THEY UNDERSTAND AND ADHERE TO THE LAW RELATING TO THE SALE OF ALCOHOL. REFRESHER TRAINING WILL BE GIVEN ON A REGULAR BASIS AND TRAINING RECORDS WILL BE KEPT AND MADE AVAILABLE TO POLICE OR COUNCIL OFFICIALS ON REQUEST

b) The prevention of crime and disorder

CCTV INSTALLED THAT MEETS THE STANDARDS REQUIRED BY THE POLICE, AND MAINTAINED SO FULLY OPERATIONAL AT ALL TIMES. RECORDINGS TO BE KEPT IN ACCORDANCE WITH POLICE GUIDELINES, FOR A MINIMUM OF 30 DAYS AND TO BE MADE AVAILABLE TO POLICE/COUNCIL OFFICERS IF REQUIRED.
ALARM SYSTEM IN PLACE
SHUTTERS AT FRONT WINDOWS

c) Public safety

ALL STAFF TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. FIRE EXTINGUISHERS INSTALLED AND REGULARLY SERVICED IN ACCORDANCE WITH FIRE AUTHORITY GUIDELINES
TO COMPLY WITH ANY REQUIREMENTS OF THE FIRE AUTHORITY

d) The prevention of public nuisance

ANYONE WHO IS DRUNK OR UNDER 18 OR APPEARS TO BE BUYING ALCOHOL FOR SOMEONE WHO IS DRUNK OR UNDER 18 WILL BE REFUSED THE SALE OF ALCOHOL

e) The protection of children from harm

CHALLENGE 25 TO BE OPERATED AT ALL TIMES, AND ANYONE ATTEMPTING TO BUY ALCOHOL WHO APPEARS TO BE UNDER THE AGE OF 25 WILL HAVE TO PROVIDE PHOTO ID IN THE FORM OF AN INDUSTRY APPROVED PROOF OF AGE IDENTITY CARD, PASSPORT OR PHOTO DRIVING LICENCE TO PROVE THAT THEY ARE 18 OR OVER. SIGN TO BE DISPLAYED AT POINT OF SALE - 'NO PROOF OF AGE - NO SALE'. A REFUSALS/INCIDENT BOOK, DETAILING ALL INCIDENTS WHERE ALCOHOL AND OTHER AGE RELATED PRODUCTS ARE REFUSED, AND ANY OTHER RELEVANT INCIDENTS, IS TO BE KEPT AND MADE AVAILABLE TO AUTHORISED OFFICERS ON REQUEST.

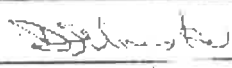
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	13/7/14
Capacity	AGENT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	AGENT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

LICENSING SERVICES AGENCY
16 BENGEO STREET

Post town	HERTFORD	Post code	SG14 3ES
Telephone number (if any)	01992 584959		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

YELLA SHOP

34 KINGS ROAD

ST LEONARDS ON SEA

SCALE 1:100



CTV CAMERAS THROUGHOUT
△ FIRE EXTINGUISHER

21 JUL 2014

Consent of individual to being specified as premises supervisor **AQUILA HOUSE**

I ANANTHARAJAH TNIRUKKUMAR
[full name of prospective premises supervisor]

of [REDACTED]

[REDACTED]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

PREMISES LICENCE [type of application]

by A TNIRUKKUMAR [name of applicant]

relating to a premises licence [number of existing licence, if any]

for YELLA SHOP

34 KINGS ROAD ST LEONARDS ON SEA

TN37 6DX

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by SAME APPLICANT [name of applicant]

concerning the supply of alcohol at SAME PREMISES

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 1010854 / LAPER
[insert personal licence number, if any]

Personal licence issuing authority ROTHER D.C
[insert name and address and telephone number of personal licence issuing authority, if any]

A. Thirukumar signed

A TNIRUKKUMAR name (please print)

14.7.14 dated

E190

CAN 2030


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	18/7/14
Capacity	AGENT

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	AGENT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) LICENSING SERVICES AGENCY 16 BENGEO STREET			
Post town	HERTFORD	Post code	SG14 3ES
Telephone number (if any)	01992 584959		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

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