

Licensing Sub Committee Agenda

Thursday, 17 September 2015 at 9.30 am

Council Chamber - Town Hall, Queens Road, Hastings TN34 1QR

If you are attending the Town Hall for this meeting, please enter the building via the Community Contact Centre entrance.

For further information, please contact Emily Horne on 01424 451719 or email ehorne@hastings.gov.uk

		Page No.
Members of the Licensing Sub Committee to sit on this hearing are:		
Councillors Sinden, Beaney, Charlesworth and Roberts with Councillor Beaney in reserve.		
1.	Appointment of Chair for this meeting	
2.	Apologies for Absence	
3.	Minutes of the meeting held on 6 August 2015	1 - 8
4.	Declarations of Interest	
5.	Notification of any additional urgent items	
6.	Application for a premises licence: London Convenience Store, 13 London Road, St. Leonards on Sea (Assistant Director, Environment & Place)	11 - 48
7.	Additional urgent items (if any)	

This page is intentionally left blank

Agenda Item 3

LICENSING SUB COMMITTEE

6 AUGUST 2015

Present: Councillors Sinden, Batsford, Street (Chair) and Webb

16. 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 Item 17, Grand Elektra. Councillor Webb proposed that Councillor Street should take the Chair, which was seconded by Councillor Batsford.

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

17. MINUTES OF THE MEETING HELD ON 26 MAY AND 8 JUNE 2015

RESOLVED that the minutes of the meeting held on 26 May 2015 and the minutes of the meeting held on 8 June 2015 be received and signed by the Chair as a correct record

18. APPLICATION FOR A PREMISES LICENCE: GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS

Councillor Street set out the procedure that the sub-committee would adopt (in accordance with standard practice), all parties confirmed they understood this.

The Assistant Director Environment and Place submitted a report on an application for a premises licence at Grand Elektra, 53-57 Robertson Street, Hastings. An objection had been received from the Police under the licensing objective for the prevention of crime and disorder.

Mr Brown, Licensing Manager, presented the report and gave an overview of the application. On 23 June 2015, the council had received an application for a new premises licence for the ground floor and basement of 53 – 57 Robertson Street, Hastings from Mr Oliver Ibrahim, a Director of Invest Nightlife Ltd. The premises were located on the site of the former West Exit Club and Electric Stag Bar. The Licensing Sub-Committee had previously rejected an application for these premises at their meeting on 8 June 2015.

Some additional supporting information from Invest Nightlife Ltd was circulated to members of the committee prior to the meeting, but did not form part of the formal documentation for the agenda.

Mrs Jean Irving, Head of Licensing and Public Safety for Sussex Police introduced the Police's representation against the application, on the grounds that the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance would be undermined. She explained that the premises were located within Area 1 (town centre) of the Council Special Saturation Policy (Cumulative Impact), and

LICENSING SUB COMMITTEE

6 AUGUST 2015

it was therefore only possible to grant permission for a new venue under exceptional circumstances. Mrs Irving stated there was nothing further that the applicants could have added to their operating schedule to improve it further.

Following the Licensing Sub-Committee meeting on 8 June 2015, the Police had attended a site meeting with the applicant and environmental health officers to discuss the potential operational management of the club premises in relation to the four licensing objectives. In his representation, Chief Inspector Phelps, the Hastings Police Commander, acknowledged the efforts of the applicant to address the issues raised by their last application.

Mrs. Irving explained that particular consideration had been given to the security measures in place at the venue. A state of the art CCTV system had been installed at the premises, together with an electronic scanning device to record the identification of patrons. Mrs. Irving commented that such measures had proved effective in other areas in combatting crime. Due to the complex layout of the premises, which had previously been divided into two venues, the ratio of staff to patrons had also been considered and the Police had agreed minimum operating numbers with the applicant.

However, the Police stated that the concentration of late night premises in this part of the town caused problems of crime and disorder, and by its nature a new nightclub would create additional noise and disruption. By extending the opening hours of the premises, other nearby venues may submit similar applications to extend their opening times.

The applicant had agreed to additional conditions to limit the promotion of cheap alcoholic drinks and to ensure that alcohol was not advertised, visible or available for sale at events where people under 18 years of age would be in attendance.

If the application were granted, Mrs. Irving stated that the new premises would be closely monitored by the Police. She invited the committee to refuse the application.

The applicant, Mr Oliver Ibrahim, made a submission to the committee. He explained that he had not appealed the Licensing Sub-Committee's decision of 8 June 2015, and instead had taken a pro-active approach by working with key agencies to address the issues raised against that application. He explained that the new application was substantially different to the previous proposal, and addressed the concerns raised in earlier representations.

Concerns had previously been raised about combining two previously separate venues, and the additional noise disturbance this could create, it was therefore proposed to limit live music and club nights to the basement area.

Mr Ibrahim highlighted that the electronic identification scanning system which had been installed at the premises was in keeping with the licensing objective to ensure public safety. The system also had the ability to share alerts with other venues using similar ID scanning equipment. As an exception to using the ID scanning equipment, the name and date of birth of customers who appear to be over the age of thirty, without ID, shall be recorded and a photographic image obtained.

LICENSING SUB COMMITTEE

6 AUGUST 2015

A dismissal and ejection policy for the premises had also been included within the application. The applicant commented that the ratio of door supervisors to patrons on busier nights and special promotions was twice the recommended minimum number, which was intended to overcome any difficulties which may be caused by the usual layout of the venue.

To help reduce the possibility of public nuisance, a no re-entry policy would be in force at the venue after 2.00am. An ATM would also be installed at the premises to limit the number of people circulating in the town centre and mitigate the impact of the premises on the cumulative impact policy for the area.

Mr. Ibrahim continued that the new venture would bring significant investment to Hastings, promote tourism and the continued regeneration of the town centre. Fifty jobs would be created by the new venue; twenty three members of staff had already been employed. The new venture had received several letters and emails of support from the local community, including the Student's Union of the University of Brighton. Indeed, the Student's Union had placed a number of provisional bookings for the use of the venue for their events, if the premises licence was granted.

Members asked a number of questions of the Mrs. Irving and Mr. Ibrahim regarding the proposed management arrangements for the premises and the impact of a new venue on the town centre.

RESOLVED (unanimously) to grant the application, with the following conditions:

All the conditions as detailed in the applicant's operating schedule, plus the following:-

Live music and club nights should be restricted to the basement 'crypt' area of the premises.

Any incidental background or piano (lounge) type music in the area of the premises known as 53 Robertson Street, shall be restricted to a level barely audible at the frontage of the nearest noise sensitive premises.

Regular checks to be made to ensure there is no serious breakout of sound at the premises.

External access to the area known as number 53 be restricted after 23:00hrs as per the recent application.

No deliveries or removal of glass/rubbish etc take place before 07:00hrs or after 23:00hrs.

And an amendment to the conditions on page 44 to read:

'During the events that will have an attendance of under 18's, no alcohol will be advertised or visible to young persons nor available for sale'.

LICENSING SUB COMMITTEE

6 AUGUST 2015

The reason for this decision was:

The Committee have listened very carefully to all representations and are satisfied that the applicants have made substantive and significant changes to their previous application which in the committee's view addresses the possible negative effects of Cumulative Impact.

The applicants have worked constructively with all agencies to achieve this outcome. The Committee are particularly impressed with the applicants commitment to patrons safety for example: the ID scanner; no drinks promotions, and the dispersal policy.

The Committee recognise the concerns expressed by the police, however it believes that the comprehensive application merits approval because it addresses these concerns.

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

The Chair adjourned the meeting at 10.45am, to be re-convened at 2.00pm

RE-CONVENED MEETING AT 2.00PM

Present: Councillors Batsford, Charlesworth, Roberts (Chair) and Sinden

19. 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 item 20, application to review premises licence: Moscwichka, 1A Pevensey Road, St Leonards on Sea and item 21 four temporary event notices with Police objection. Funky Buddha. Councillor Charlesworth proposed that Councillor Roberts should take the Chair, which was seconded by Councillor Sinden.

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

20. APPLICATION TO REVIEW A PREMISES LICENCE: MOSCWICHKA, 1A PEVENSEY ROAD, ST LEONARDS ON SEA

Mr Bob Brown, Licensing Manger, advised the committee that he had received an email from the Ms Jenya Dimitrova, the premise licence holder for Moscwichka, stating that she would not be attending the hearing. In the email, Ms Dimitrova said that she had found a new sub tenant to take over the lease of the shop, and requested that the premises licence remain in place to enable this. A copy of the email was circulated to the committee for them to consider.

The Chief Legal Officer advised that under the Licensing Act 2003 (Hearings) Regulations 2005, the hearing may proceed in the absence of a party, when that party had informed the authority of non-attendance. Councillor Roberts proposed that the

LICENSING SUB COMMITTEE

6 AUGUST 2015

hearing proceed in the absence of the premises licence holder, which was seconded by Councillor Charlesworth.

RESOLVED (unanimously) that, in accordance with the Licensing Act 2003, the hearing will proceed in the absence of the premises licence holder.

Mr Brown presented the report of the Assistant Director Environment and Place on an application to review a premises licence for Moscwichka, 1A Pevensey Road, St Leonards-on-Sea. On 23 June 2015, the council had received an application for a review of an existing premises licence for Moscwichka from Mr Graham Wolstenholme, Senior Trading Standards Officer, East Sussex County Council Trading Standards Service. The application was made under Section 51 of the Licensing Act 2003.

Mr Wolstenholme addressed the committee; he explained that the review was in pursuit of the licensing objectives for the prevention of crime and disorder and to ensure public safety. Trading Standards had carried out a visit to the premises on 4 November 2014, during the visit they had found and seized a large quantity of illicit and counterfeit cigarettes. The cigarettes had been hidden behind a false wall on the premises; Trading Standards officers also noted that the counter in the shop had been modified to conceal the products from view. The Premises Licence holder and Designated Premises Supervisor for Moscwichka is Ms Jenya Dimitrova. Ms Dimitrova is also the secretary and a 50% shareholder of H G Foods Limited, which operates shops in St Leonards-on-Sea, Eastbourne and Royal Tunbridge Wells.

Some restricted material from Trading Standards, which was not part of the formal documentation for the agenda, was circulated for the committee to read.

Mr Wolstenholme provided samples of the seized cigarettes for the committee to view. He explained that the cigarettes did not meet the requirements of the Tobacco Products (Manufacture Presentation and Sale) (Safety) (Amendment) Regulations 2007 for the use of colour photographs to depict the consequences of smoking and for the labelling on the packets to be in the official language of the country they would be marketed in. UK duty tax had also not been paid on the cigarettes which indicated that they had been smuggled into the country.

Mr Wolstenholme submitted a transcript of a recorded interview with Ms Dimitrova on 20 November 2014. In the interview, Ms Dimitrova said that she has little or no contact with her shops, of which she is DPS. She adds that she applied for the DPS as she was the only one capable of passing the relevant tests. Ms Dimitrova claimed that she knew nothing of the illegal cigarettes found on her premises, and that the cigarettes in question had been sold by the shop manager without her knowledge.

A further transcript of an interview with Mr Levon Hovakimyan on 3 February 2015 was submitted. Mr Wolstenholme explained that Mr Hovakimyan identified himself as the manager of the shop. Mr Hovakimyan stated that he had been selling the illegal cigarettes for approximately one and a half months to people from Eastern European backgrounds; he also admitted hiding the cigarettes to prevent Trading Standards from finding them.

LICENSING SUB COMMITTEE

6 AUGUST 2015

Further visits by Trading Standards and Her Majesty's Revenues and Customs to the stores operated by HG Foods Limited in Eastbourne and Royal Tunbridge Wells had uncovered supplies of illegal cigarettes.

At its meeting on 27 August 2014, the Licensing Sub-Committee of Tunbridge Wells Borough Council had removed Ms Dimitrova as the DPS of the shop operated by H G Foods Limited in Tunbridge Wells. Mr Hovakimyan had since been appointed as the DPS of that store and Trading Standards had contacted Tunbridge Wells Borough Council to advise that he was not a fit person to hold that position. On 29 July 2015, the Licensing Act Sub-Committee removed Ms Dimitrova as the DPS of the Eastbourne store, and revoked the premises licence.

Mr Wolstenholme said that Trading Standards was seeking a revocation of the premises licence for Moscwichka, as Ms Dimitrova either lacked sufficient control of her premises as the DPS and /or was complicit in the sale of illegal tobacco products.

Mr Trevor Scrase, Senior Licensing Office, made a submission to the committee in support of the review of the premises licence for Moscwichka. He explained that the premises had recently been renamed Ocean 3.

Mr Scrase stated that in 2013 and 2014 the licence holder had been late paying their annual fee and had also failed to notify the licensing authority following a change of address. He commented that, although these incidents were not sufficient to necessitate a review of the licence, they did provide further evidence that the premises were poorly managed. Mr Scrase added that, at the time Ms Dimitrova made her application to become a DPS, she did not indicate that she was acting on behalf of anyone else.

In summarising the report, Mr Brown highlighted recent guidance from the Secretary of State which stated that Licensing Authorities should take appropriate action to deter the sale of illegal tobacco and alcohol.

RESOLVED (unanimously) that the licence be revoked and the DPS be removed.

The reason for this decision was:

The Committee have listened very carefully to all the evidence before it.

The lack of management and sale of smuggled tobacco products (which were hidden) at the premises has been systemic with all 3 premises that the company have run.

There were further failings for example, failure to notify change of the DPS address and trading name and the illegal sale of DVD's.

The Licensing Committee have had regard to guidance issued by the Secretary of State and its own Licensing Policy.

The Chair adjourned the meeting at 3.00pm, to be re-convened at 4.00pm

LICENSING SUB COMMITTEE

6 AUGUST 2015

RE-CONVENED MEETING AT 4.00PM

Present: Councillors Batsford, Charlesworth, Roberts (Chair) and Sinden

21. **FOUR TEMPORARY EVENT NOTICES WITH POLICE OBJECTION. FUNKY BUDDHA**

Mr Bob Brown, Licensing Manager, advised the committee that the applicant would not be attending the hearing.

The Chief Legal Officer advised that, under the Licensing Act 2003 (Hearings) Regulations 2005, the hearing may proceed in the absence of a party, when that party had informed the authority of non-attendance. Councillor Charlesworth proposed that the hearing proceed in the absence of the applicant, which was seconded by Councillor Sinden.

RESOLVED (unanimously) that, in accordance with the Licensing Act 2003, the hearing will proceed in the absence of the applicant.

Councillor Roberts set out the procedure that the sub-committee would adopt (in accordance with standard practice) all parties confirmed they understood this.

Mr Brown presented the report of the Assistant Director Environment and Place; on 29 July 2015 the council had received notification to hold four temporary events at Funky Buddha Nightclub, 20 Robertson Street from Mrs Louise Jeffery under section 100 of the Licensing Act 2003. An additional application for a late temporary event to take place on 9 August 2015 had also been received. However, as the application was made only 7 working days before the event, and had received a police objection, the notice failed automatically.

Mr Brown advised that the premise does not currently hold a premises licence under the Licensing Act 2003. The previous licence holder, Parkers Brasserie Ltd, had been dissolved on 19 May 2015, and the licence had lapsed on 16 June 2015.

A copy of correspondence from the applicant's solicitor was circulated to the committee for its consideration. The applicant's solicitor put forward a series of undertakings which could be applied to the temporary event notice. However, it was considered that as there was no current licence for the premises and the undertakings had not been signed by the applicant, it was unlikely that these could be enforced by the Police or Licensing Authority.

Sergeant Vokins presented an objection on behalf of the Sussex Police. He explained that since the previous premises licence had lapsed, the operators had continued to carry out licensable activity at Funky Buddha. The Police had visited the premises on 22 and 23 July 2015, and confirmed that it was still operating. During their visit on 23 July 2015, the Police had found that the premises CCTV system had not been operational for the past seven days.

LICENSING SUB COMMITTEE

6 AUGUST 2015

Sergeant Vokins supported earlier comments that the undertakings offered by the applicant's solicitor would not be enforceable. He commented that the premises were located in Hastings town centre, where a Special Saturation Policy (Cumulative Impact) was in force, which demonstrated Police concern at the high density of license premises in this area and the potential impact on crime and disorder. The timing of the events would also coincide with what was already a peak time for anti-social behaviour.

Sergeant Vokins stated that Mrs Jean Irving, the Head of Licensing and Public safety, had been misquoted in an earlier letter from the applicant's solicitor, where it had been stated that she had discussed possible undertakings with the applicant. Instead, she had referred them to Mr Tony Masters, Licensing Officer at Sussex Police.

Members asked questions of Sergeant Vokins and Mr Brown.

RESOLVED (unanimously) that the application for Temporary Event Notices be refused

The reason for this decision was:

The Committee heard that the applicants have been running the premises without a licence for some time. The police witnessed this on 22 and 23 July. Whilst the applicants have offered undertakings these are not enforceable if breached. This undermines the Licensing Objectives.

The Committee have had regard to the guidance issued by the Secretary of State and its own policy.

(The Chair declared the meeting closed at. 5.00 pm)

Licensing Sub Committee Procedures

Annex

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

- ☐ Introduce Members and Officers and invite the applicant, objectors and any representatives to the table, asking them to introduce themselves.
- ☐ 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.
- ☐ Ask if the Parties received the report and are ready to proceed.
- ☐ 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.

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

2. Summary of report by Licensing Manager / Officer.

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

Any questions for Statutory Consultees from

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

4. Other Objectors each make submissions on the application.

Any questions for Objectors from

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

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

Any Questions for Applicant / Representative / Witnesses from

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

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

If clarification given, questions on clarification only from:

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

7. Summaries (if required)

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

8. Decision Making

- ☐ Members retire to discuss the application, propose and second a recommendation and vote on this.
- ☐ 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.
- ☐ 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.

This page is intentionally left blank

Agenda Item 6



Report to: Licensing Sub-Committee

Date of Meeting: 17th September 2015

Report Title: Premises licence application with representations. London Convenience Store, 13 London Road, St Leonards on Sea.

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. Two

Interested Parties. 55. 4 included as part of the report.

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 31st July 2015 Hastings Borough Council received an application for a new premises licence for London Convenience Store, 13 London Road, St Leonards on Sea from Mrs Manorajiny Sivaseejan, 23 Norman Road, St Leonards on sea, TN37 6NH, made under section 17 the Licensing Act 2003. (Attached at appendix A).
3. This premises is a vacant shop that does not hold a licence under the Licensing Act 2003 and is now applying for a new premises licence, a map of the location is 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 Saturday from 08.00hrs to 23.00 hrs and Sunday from 10.00hrs to 22.30hrs. Special hours for Christmas Day and Good Friday being 12.00hrs to 15.00hrs and 19.00 hrs to 22.00hrs. .
8. To have opening hours of the premises, Monday to Saturday from 07.00hrs to 23.00hrs and Sunday from 08.00hrs to 22.30hrs.
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 their application plus an additional sheet.(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 Ch Insp Phelps, Hastings Police Commander, he comments on the application and the proposed activities, he also comments on the applicant's failure to demonstrate 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. A further representation has been received from Mr Trevor Scrase, Snr Licensing Officer, Hastings Borough Council he comments on the application and the police response. He highlights the Council Saturation Policy Area for St Leonards on Sea and comments that the applicant has not addressed it in their application. For this reason he invites the Council to apply its own policy and reject the application. (Attached appendix C.)
15. Fifty five other representations have been received from local interested parties, many of which do not conform to the guidance laid down by central government on such matters. However some do comply and I have attached 4 including one from the local ward Councillors. They all 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 D).
16. We have received two forms of petitions, one from objectors and one from the applicant in support of the application, both will be available at the hearing along with the other objections if needed to be viewed.

4.0 Legal Considerations

17. 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.

18. 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.
19. 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.
20. 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.
21. 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:-
22. Has its basis in law;
23. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
24. Is proportionate to the aims being pursued; and,
25. Is related to the prevention of crime; or, the protection of public order or health.
26. 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

27. Grant the application in full
28. Grant part of the application
29. Grant the application with conditions relevant to the application
30. Refuse the application.

Wards Affected

Central 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
Anti-Poverty	No

Additional Information

Appendix A. Licence Application.
Appendix B. Map of venue.
Appendix C. Responsible authorities representations.
Appendix D. Interested parties representations..

Officer to Contact

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

This page is intentionally left blank

07 AUG 2010

**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 Mr J. MANORAJIN Y & SIVASEELAN
(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 13 London Road St. Leonards on Sea East Sussex			
Post town	St. Leonards on Sea	Post code	TN37 6AJ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£11,000	

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) |

- 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 type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SIVASEELAN			First names MANORAJINY		
I am 18 years old or over			<input checked="" type="checkbox"/> Please tick yes		
Current postal address if different from premises address		23 Norman Road St. Leonards on Sea			
Post Town	St. Leonards on Sea		Postcode	TN37 6NH	
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			

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
	08	2015

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 note1)

This premises situated in the corner of the Norman and London road. It was optician shop. we are going to turn as Convenience store. I would be happy to join to the "reduce the strength" campaign that are running in St. Leonards. and not going to stock/sell lagers/beers and Cider with and ABV above 6.5% and not to sell alcoholic products to known Street drinkers.

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	08:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30			

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

Name	Mr J. MANDRAJINY < SIVASEELAN
Address	23 Norman Road St. Leonards on Sea East Sussex
Postcode	TN37 6NH
Personal Licence number (if known)	06/00246 / LAPER.
Issuing licensing authority (if known)	London Borough of Newham.

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)

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	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)
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	08:00	22:30	

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)

- 1) Strong management and effective training of all Staff by DPS.
- 2) no Selling of alcohol to underage people and Known as Street drinkers and already drunk people.
- 3) no drunk and disorderly behaviour on the premises area.
- 4) Vigilance in preventing the use and Sale of illegal drugs at the retail
- 5) no violence and anti-Social behaviour.
- 6) no any harm to children.

b) The prevention of crime and disorder

- 1) 24 hours CCTV Record to entrances, exit and all parts of the premises
 - 2) clear and legible notice outside the premises indicating the normal hours under the terms of licensable activities are permitted.
 - 3) clear and conspicuous notices warning of potential Crime activity.
 - 4) No Selling of alcohol to drunk or intoxicated customers.
 - 5) Custom will not be Sought by means personal Sollicitation outside in the vicinity of the premises
- Continued on the next page —

c) Public safety

- 1) Internal and external lighting fixed.
 - 2) well trained Staff adherence to environmental health requirements
 - 3) Training and implementation of underage ID checks.
 - 4) A log book or recording System shall be kept upon the premises in which shall be entered particulars of inspections made; Premises licence that require the recording of such information. The log book shall be kept available for inspection when required by Licenses
- d) The prevention of public nuisance — Continued on next page — Act team

- 1) Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
 - 2) Deliveries will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
 - 3) Customers will be asked not to stand around loudly talking in the street outside the premises.
- Continued on the next page —

e) The protection of children from harm

- 1) "challenge 25" Sign which is a retailing strategy that encourages anyone who is over 18 and but looks under 25 to carry acceptable ID (driving licence and passport, Pass hologram) if they wish to buy alcohol.
- 2) well trained Staff about requirement for persons ID, age establishment etc.
- 3) All the details provided in training record book available the retail unit.

— continued on next page —

1) The prevention of crime and disorder.

- 6) Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit.

2) Public Safety-

- 5) All parts of the premises and all fittings and apparatus there door fastenings and notices, lighting, heating, electrical, air conditioning, Sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance.

- 4) Customers will not be admitted to premises above opening hours.
- 5) The maximum of bins and rubbish outside the premises will be kept to minimum after 11.00pm.
- 6) Any lighting on or outside the premises will be positioned and screened such a way so as to not cause a disturbance to nearby residents.
- 7) Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm.

- 4) Log book will be kept upon the premises all the time.
- 5) Nothing belonging existing health and safety requirements.


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	30/07/2015
Capacity	

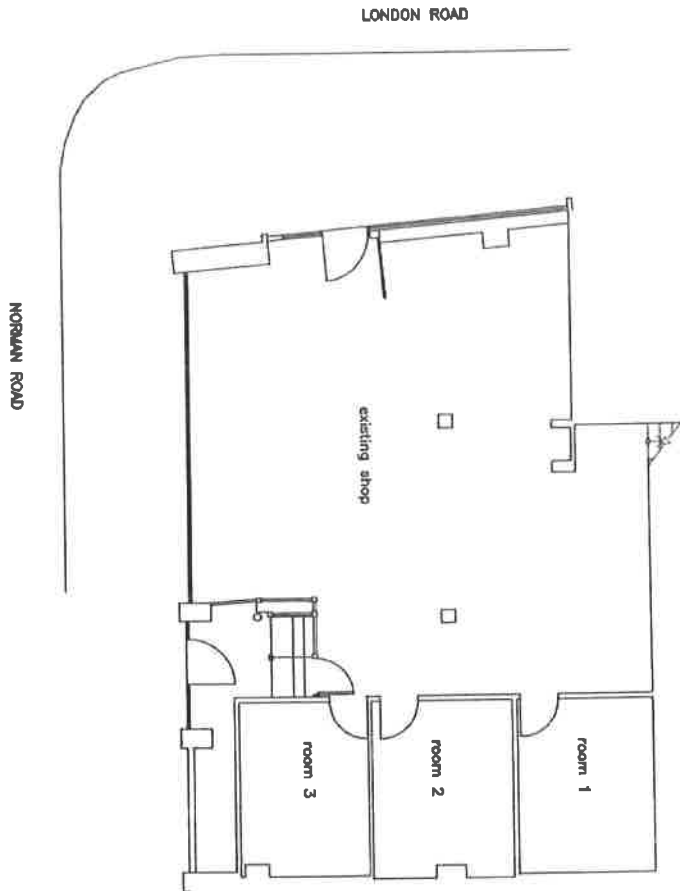
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

Mrs. SIVASEELAN < MANORAJINY
23 Norman Road
St. Leonards on Sea

Post town		Post code	TN37 6NH
Telephone number (If any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
			



REV.	DESCRIPTION	DATE	INITIAL
A	PAGE SIZE: SCALE	AUG 2015	PTM

Job Description:
 EXISTING FLOOR PLAN
 New Shop Front,
 13 London Road,
 St Leonards on Sea
 East Sussex

MAK Architectural & Planning Services
 5 Pashley Gardens
 Hastings
 TN36 1PW
 Mobile: 07475313107
 Email: makarchitectural@gmail.com

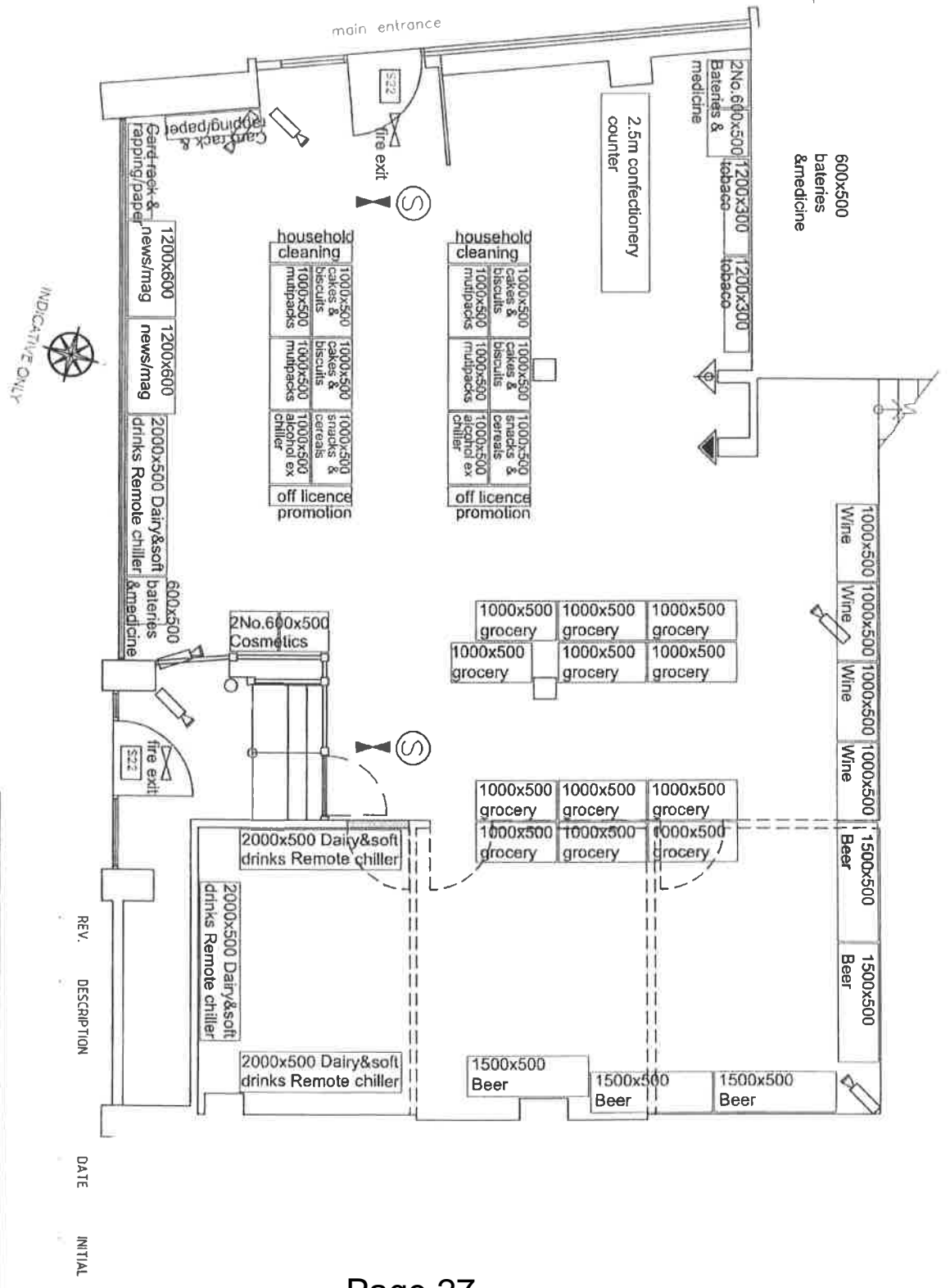
Designed & Drawn by:	Checked by:	Drawing no.	Revision	Date	Scale
PTM	PTM	MAK-14.030/02	...	JULY 2014	1:100 @ A3

LEGEND

- Smoke Detector
- Emergency Lighting
- CO2 Fire Extinguisher
- Water Fire Extinguisher
- CCTV
- Intermittent illuminated Fire Escape Sign

LONDON ROAD

NORMAN ROAD



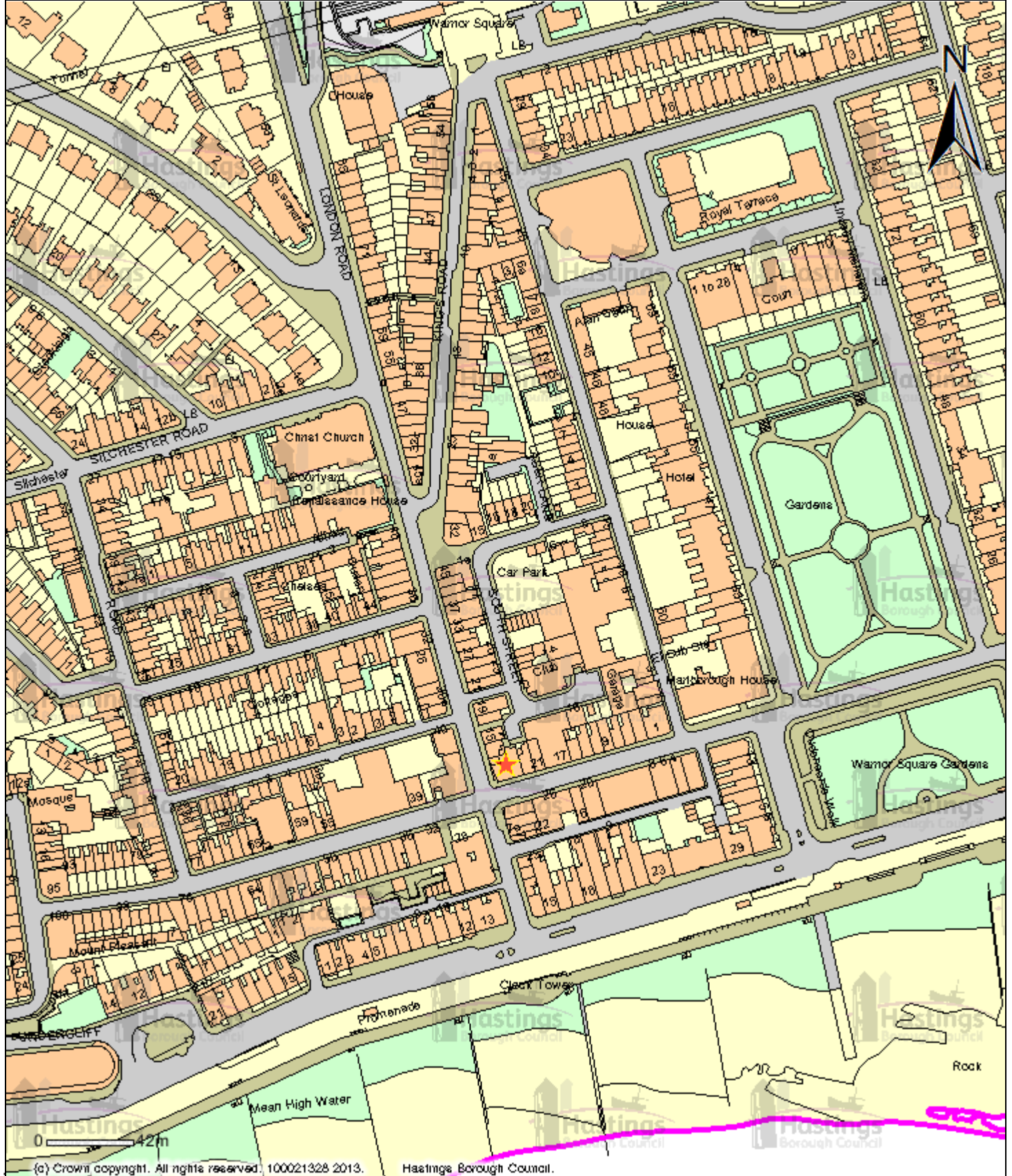
Job Description:			
PROPOSED FLOOR PLAN			
New Shop Front,			
13 London Road,			
St Leonards on Sea			
East Sussex			
MAK Architectural & Planning Services			
5 Pashley Gardens			
Hastings			
TN34 1PW			
Mobile: 01411313107			
Email: makarchitectural@gmail.com			
Designed & drawn by:	Checked by:	Drawing no.	Revision
PTM	MAK	14.030/03	B
Date	Date	Scale	
JULY 2014	JULY 2014	1:50@ A3	

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	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

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

Name	Mrs. MANDRAJINY & SIVASEELAN
Address	23 Norman Road St. Leonards on Sea East Sussex.
Postcode	TN37 6NH
Personal Licence number (if known)	06/0000000000000000
Issuing licensing authority (if known)	



Title:

Appendix B

Scale:

1:2500

Date:

28 / 8 / 2015

This page is intentionally left blank



Sussex Police
Serving Sussex

www.sussex.police.uk

Hastings District

13th August 2015.

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

Dear Mr Brown,

**RE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE FOR LONDON CONVENIENCE
STORE 13 LONDON ROAD ST. LEONARDS ON SEA EAST SUSSEX.TN37 6AJ**

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 grant 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 Mrs. Manorajiny Sivaseelan, of 23 Norman Road St. Leonards on Sea East Sussex. TN37 6NH.

The premises, which will occupy the ground floor only, were previously an opticians located at the junction of London Road and Norman Road.

The hours the premises will be open to the public are:

Monday to Saturday. 07:00hrs - 23:00hrs.

Sunday. 08.00hrs – 22.30hrs

There are no seasonal or special event variations listed within this section.

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 Saturday. 08:00hrs - 23:00hrs.

Sunday. 10.00hrs – 22.30hrs

The special event variations listed within this section being :-

Christmas Day and Good Friday. 12.00hrs – 15.00hrs and 19.00hrs – 22.00hrs.

The nominated Designated Premises Supervisor is the applicant Mrs. Manorajiny Sivaseelan and Sussex Police make no objection to this matter.

Continued/

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

Telephone: 101 |

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, 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 13.30 of the Secretary of State's Revised Guidance issued under Section 182 of the Licensing Act 2003, amended in March 2015 provides, *"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licenses or club premises certificates which 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 the 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. The policy states within Section 1.11 *"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 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 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."*

Paragraph 8.33 of the Secretary of State's Guidance to the Licensing Act 2003, amended in March 2015 provides, *'In completing an operating schedule, applicants are expected to have had regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.....'*

Paragraph 8.35 of the guidance states *'Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy'*.

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.

Continued/

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, chaired by Amber Rudd MP. which meet on a quarterly basis. Other attendees include Sussex Police District Commander Chief Inspector Phelps, representatives of Hastings Borough Council, local Councillors etc.
- A police community office opened in Silchester Road on the 7th August 2015. This will give a greater police presence an area of high anti social behaviour and to combat street drinking.
- In July 2014 Sussex Police held a three day 'Street Community Pop Up Hub'.
- The appointment of a Project Outreach Worker. Funding is also being sought to sustain an outreach worker to engage with drinkers and seek to involve them in positive activities.
- Sussex Police have a designated Street Community Officer (PC Eoin Freeman) working in Central St Leonards.

In February 2014 Hastings was selected to participate in a Home Office initiative, Local Alcohol Action Areas (LAAA) which had been set up to tackle the harmful effects of irresponsible drinking, particularly alcohol-related crime and disorder and health harms. Local agencies, including licensing authorities, health bodies and the police worked with businesses and other organisations to address problems being caused by alcohol in their area. Work in the local alcohol action areas 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 was the goal of promoting diverse and vibrant night-time economies. Hastings Borough Council elected to support the aims of reducing alcohol-related crime and disorder, and reducing the negative health impacts caused by alcohol. This project finished in April 2015 resulting in the Community Alcohol Partnership being re-established.

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

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

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

Telephone: 101 |

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)

URN

Statement of: Christopher Varrall

Age if under 18: O/18

(If over 18 insert 'over 18')

Occupation: Temporary 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 anything in it, which I know to be false or do not believe to be true.

Signature:

Date 14/08/2015

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

I am the sergeant for St Leonards On-Sea, East Sussex and have been for the past year. I currently cover the area of Norman Road and therefore am the sergeant that covers Norman Road and London Road, St Leonards On-Sea, East Sussex.

I work closely with the local councillors, local community and business partners. I have a team of four police officers and four police community support officers. We carry our numerous meetings in the area of central St Leonards On-Sea, due to the extent of the activity in the area, both crime and Anti Social behaviour. During the St Leonards Town team meeting, St Leonards business partner meeting, panel meetings, street meetings quality street events and the three monthly Anti social behaviour meeting chaired by MP Amber Rudd. During these meetings local priorities are set and then a progress report raised at the following meetings.

A single topic that is raised at every meeting that is attended, is that of the problems caused by the street community/Rough Sleepers. This is an issue specific to the central St Leonards area and specifically around the main roads such as London Road and Norman Road. The street community are subject of a separate monthly meeting due to the Anti social behaviour, drug use, alcohol consumption, short life expectancy and cultural issues that they cause on the streets of Central St Leonards. We as a policing department have created an ongoing Operation Confront directed patrol activity in the area of Central St Leonards on-sea, East Sussex in order to monitor this problem. The licensing team and local officers work hard to ensure that local businesses comply with strict regulations, in order to prevent these individuals from purchasing alcohol whilst under the influence of excessive amounts of alcohol.

For these reasons I am opposed to the application by 13 London Road, St Leonards On-Sea, East Sussex for a premises licence. In my opinion Central St Leonards has a large problem with alcohol consumption and some of whom I have no doubt would be involved in anti social behaviour. Opening a further premises which

Continuation of statement of
has permissions to sell alcohol would further increase demand on police and all other external parties. I
therefore strongly feel that this premise would have a negative impact on the local area.

Overmull

Signature

Overmull

Signature witnessed by:



MEMORANDUM

Date: 21st August 2015
From: Trevor Scrase, Senior Licensing Officer
To: Bob Brown, Licensing Manager
My Ref:
Your Ref:

Worksheet 2015003736 – Application for a new premises licence – London Convenience Store, 13 London Road, St. Leonards on Sea, TN37 6AJ.

Introduction.

Hastings Borough Council, Licensing is a responsible authority under Part 2, section 103 of the Police Reform & Social Responsibility Act 2011.

I am employed as Senior Licensing Officer for Hastings Borough Council. I have held this position since June 2006, previously I was the Licensing Development Officer from November 2004. I am the holder of the BIIAB National Certificate for Personal Licence Holders certificate and a BIIAB National Certificate for Licensing Practitioners of the Licensing Act 2003, both of which are accredited qualifications. I am also the holder of a personal licence number 08/00276/LAPER issued by Rother District Council.

Application.

An application for a new premises licence, called London Convenience Store, was received by this licensing authority on 31st July 2015.

The consultation period ends at midnight on the 28th August 2015.

The premises at 13 London Road, was formerly Barraclough and Stiles Opticians.

Geographically this address is a corner shop unit, located on the north east corner of London Road, St. Leonards on Sea, with Norman Road (east side).

This address is directly next door to a current convenience store / off licence called Londis, 21 – 23, Norman Road. The premises licence of that shop is held by the husband of the applicant for 13 London Road, St. Leonards on Sea.

The times authorised for alcohol sales at his premises are:-

Monday to Saturday 08.00 – 23.00, Sunday 10.00 – 22.30, Good Friday 08.00 – 22.30 and Christmas Day 12.00 – 15.00 then 19.00 to 22.30. These are the licensed hours from the old Licensing Act 1964 and were not varied at transition to the 'new Licensing Act 2003 during 2005 by the former premises licence holder. From an email response from Mrs Sivaseelan, it is clear that her husband intends to keep trading from his shop, with her also trading from the premises next door.

This new premises licence application was received unexpectedly, with no prior enquiry or pre application meetings / discussion between the applicant and myself.

Initially this lack of pre application notification presented some administrative issues to establish the copies had been simultaneously served by the applicant on the six specified responsible authorities. As a result there did appear to be some delay in these being sent to those responsible authorities, prompted in all



probability due to the enquiry email sent by Mr Brown, Licensing Manager, to Mrs Manorajiny Sivaseelan on 31st July, to which she replied to on the 3rd August 2015.

The times requested for authorisation for the supply of alcohol for consumption off the premises is:- Monday to Saturday 08.00 – 23.00, Sunday 10.00 – 22.30 hours. Hours open to the public are: Monday to Saturday 07.00 – 23.00, Sunday 08.00 – 22.30.

However in another copy of the application received by the Borough Planning Officer and Environmental Services, this has additional non standard timings added, showing Christmas Day and Good Friday, opening times 12.00 – 15.00 and 19.00 – 22.00 hours. These are not included in my copy received on the 31st July 2015.

The plan submitted with the application was a scale of 1:50. The regulations specify the scale is 1:100 unless previous consent with the licensing authority has been given for a different scale. No such request seeking consent was made.

The placing of the blue notice, prompted the first emails to this authority, querying and objecting to the application. The notice was confirmed by myself on the 6th August but the applicant's husband was advised to ensure the times for the sale by retail of alcohol were added to the notice.

The public notice in the Hastings & St. Leonards Observer has been published on 7th August 2015. The times given are not the times in the original application submitted on the 31st July 2015 but reflect the additional non standard hours for Christmas Day & Good Friday.

The application form has been completed quite comprehensively, with information provided in respect of the four licensing objectives on pages 19, with an additional page added.

The applicant has indicated in email response that she would be *'happy to join the reduce the strength campaign in St. Leonards and not going to stock / sell lagers / beers and cider with an abv above 6.5% and not to sell alcoholic products to known street drinkers.'*

Saturation zone / cumulative impact policy.

Area 3 in the current licensing policy, specifies the area shown on the plan attached.

This proposed convenience store / off licence is within that zone. There is no reference made or indication given in the application, or any e mail responses from the applicant, that she is aware of this policy. Neither have any additional measures been given in the application to show that the grant of a premises licence authorising the sale by retail of alcohol for consumption off the premises, will not add to the existing problems in the area.

Central St. Leonards has a known history of 'street drinking' and the social problems associated with this.

Street drinking remains very emotive to residents in this area and is the topic of concern at many meetings. The police representation, received from Chief Inspector Paul Phelps, District Commander refers to this problem extensively in his letter and states the measures implemented by police and other organisations to deal with these.

There are currently some seven off sales licensed outlets within Area 3, located as follows:-

Londis, 21 – 23 Norman Road;
Mary's Premier Food Market, 20 Norman Road;
Costcutter, 48 London Road;
Co-Op, 30 – 32 London Road;
Spar, 29 – 30 Kings Road;



Phoenix & Plum Wines, 13 Norman Road;
Western Road Stores, 30 Western Road;

However only one of these has been granted since the saturation zone / cumulative impact policy area was introduced in 2008. This was Phoenix & Plum Wines, 13 Kings Road, but this retail outlet is a specialist wine merchants, subject of additional conditions tailored to its specific business plan.

The other six are general off licence / convenience stores, granted on implementation of the 'new' Licensing Act 2003, from November 2005 and therefore prior to the commencement of the saturation zone policy.

Outside of Area 3 – within Central Lower St. Leonards, there are a further two off licences as follows:-
Premier Marina Convenience Store, 41 Marina;
Promenade Supershop, 5 Eversfield Place.

The Central St. Leonards on Sea area itself, is noticeably improving with new business premises, adding to the re development and improvement driven by Hastings Borough Council.

Comments.

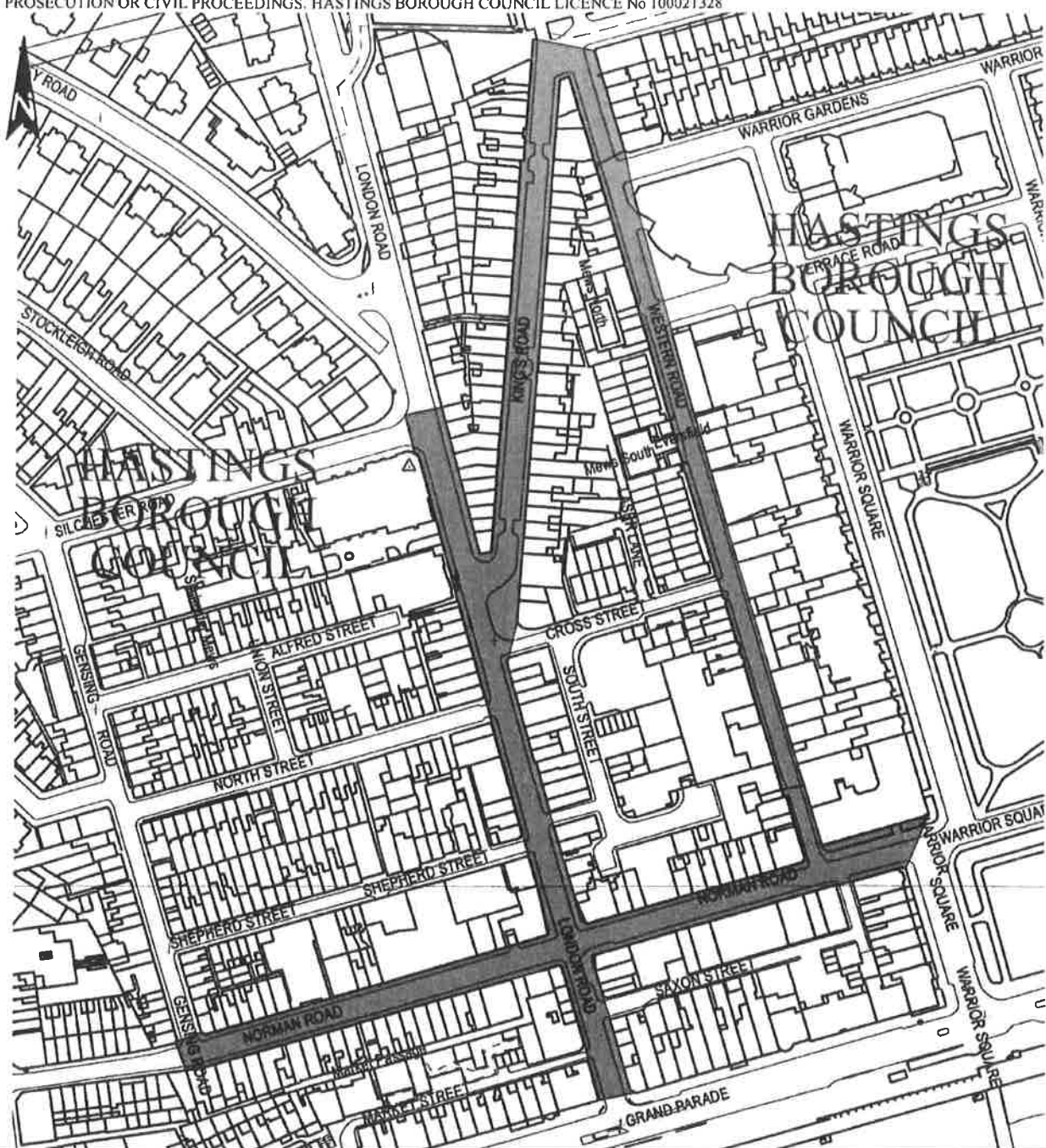
1. The police have quoted in full the sections of the Hastings Borough Council licensing policy and the governments guidance, regarding the saturation policy / cumulative impact requirements on new applicants for a premises licence. It is my opinion that the applicant has not referred to this aspect nor has she addressed these issues, or shown any measures to avoid the operation of 13 London Road adding to the existing problems if granted.

In my opinion the police representation stands on its own merits and together with the additional background information in my report, I respectfully suggest that the licensing committee do not grant this application.

Trevor Scrase
Senior Licensing Officer.



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE. © CROWN COPYRIGHT RESERVED. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. HASTINGS BOROUGH COUNCIL LICENCE No 100021328



Saturation Policy - Licensing Act 2003
Area 3
Central St. Leonards-on-Sea



ENVIRONMENTAL SERVICES

Head of Environmental Health:
Mike Hepworth
 Aquila House,
 Breeds Place,
 Hastings,
 East Sussex. TN34 3UY
 Tel: 01424 451042
 Fax: 01424 451133

Date: July 2010

Scale: 1:2200

Area 3

Bob Brown

From: Cllr Terri Dowling
Sent: 27 August 2015 15:57
To: Bob Brown
Cc: Cllr Trevor Webb
Subject: Objection to license of 13 London Rd

Hi Bob,

Please find below my and Trevor Webb's joint objection as Cllrs for Central St Leonards to the license of 13 London Rd. [REDACTED]

We wish to raise a formal objection on behalf of some of the residents of the Central St Leonards ward.

We have been contacted by residents who are concerned about the licensing application for number 13 London Road (the old Barraclough and Styles opticians).

We do appreciate that although this application is for a premises within a saturation zone that this isn't, and should not be, a reason for declining a license. However, having seen the application and the lack of reference made to the saturation zone and the implications this has, we feel that there should be extra measures put in place in order for the four licensing objectives to be not only adhered to but also promoted.

If this application is to be placed before the committee we would therefore like for them to consider the following:

The premises is in a saturation zone. There are high levels of disorder within the area that the premises is located and these issues have tended to arise with members of the street drinking community. This in turn can and does have a negative affect on the wider community.

In order to promote the prevention of public disorder we believe there should be extra stipulations in place as part of the license. This should include the control of the sale of alcohol to street drinkers. We would ask that the licensee sign up to and adhere to the policy of the reduce the strength campaign and agree to not sell single cans of alcohol in order to help prevent street drinking and the issues of public disorder that arise from this.

We look forward to hearing from you.

Many thanks,

Cllr Terri Dowling & Cllr Trevor Webb
Central St Leonards ward
Hastings Borough Council

Bob Brown

From: Melissa Watson <melissa.watson@tedbaker.com>
Sent: 04 August 2015 10:05
To: Licensing
Subject: Objection to London Convenience Store, 13 London Road, St Leonards -
Application to supply alcohol for consumption off premises.

Dear Sirs,

I am writing to register my objection to the application for a convenience store with supply of alcohol for consumption off the premises at the above address. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

It is important to understand that Central St Leonards is an area already struggling with serious issues around crime, alcoholism, substance abuse and anti-social behaviour. The street scene around the junction of Norman Road and London Road is utterly horrendous. There are regularly large groups of people aggressively begging, openly drug dealing and street drinking in this vicinity. The volume of litter present in the immediate street area (discarded bottles and cans) is a key identifier that alcohol plays a large part in contributing to these issues.

The application proposes that alcohol will be sold for consumption off the premises between 8:00am and 11.00pm, Monday - Friday and between 8.00am and 10.30pm on Sundays. Granting a licence would provide a further source of alcohol within an area already heavily populated with licensed premises where crime, disorder and public nuisance have already reached problem levels for the local police.

Residents in this area already suffer noise nuisance, antisocial behaviour and crime at all hours of the day and night. I feel the present situation is already at an unacceptable level, supporting this application will only further add to the problem.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

Melissa Watson

9, St Margaret's Terrace, St Leonards-on-Sea, East Sussex, TN37 6EN

Melissa Watson | Store Design Manager

Ted Baker London | The Ugly Brown Building, 6a St Pancras Way, London, NW1 0TB | Tel: +44 (0)20 7255 4794



You can also visit Ted at: tedbaker.com | [Ted's Investor Relations](#)

Or you can look at: [S/S 15 look book](#) | [Ted's Grooming Room film](#) | [Ted's Beauty Spot film](#) | [Ted's Store Portfolio](#)

postmaster@tedbaker.com

<http://www.star.net.uk>

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

BERNARD MCGINLEY
24 MAGDALEN ROAD
ST LEONARDS-ON-SEA
EAST SUSSEX TN37 6EP

21.viii.15

Dear Sir / Madam

LICENCE APPLICATION FOR SELLING ALCOHOL:

CORNER OF LONDON ROAD AND NORMAN ROAD, ST LEONARDS-ON-SEA

This is an objection to the alcohol licence application for the old Barraclough & Stiles premises. Central St Leonards has many alcohol outlets already (and convenience stores), so I cannot see that there is a basis for another one. I also note with concern that these premises are large.

Central St Leonards also has many drunks and druggies on its streets, and there is a social problem. They often gather at 'Betfred Corner', just opposite the corner and shop in question.* I do not begrudge these people a drink but they can get one already, on the near side of Adams & Jarrett, Norman Road, without even leaving the pavement. Several other sources of alcohol are also available within easy distance (and very probably another one when the Norman Arms reopens).

As you know, the Licensing Act 2003 promotes four licensing objectives. In order of relevance here, I would state them as:

- the prevention of public nuisance
- public safety
- the prevention of crime and disorder
- the protection of children from harm.

ALL of these objectives would be jeopardised by the granting of a licence, and I would ask you therefore to refuse it. No doubt Sussex Police – police officers and PCSOs – will have lots to say about this proposal, and street life in that part of town.

St Leonards has got enough problems without adding to them in this unnecessary way. An off-licence on this corner would damage what progress there has been in recent years. Please refuse this application.

HBC
Licensing Manager
Aquila House
Breeds Place
Hastings TN34

Yours faithfully
Bernard McGinley

* Sometimes they weave in and out of traffic, or cause a nuisance on the wide pavement in Kings Road – near the Old England pub – from where a new seat had to be removed. (Ask why that was done.)

Bob Brown

From: Clive Gross <clive@clivegross.org.uk>
Sent: 05 August 2015 16:17
To: Licensing
Cc: Chris Connelly
Subject: Objection to license application for London Convenience Store, 13 London Road, St Leonards-on-Sea

To:
Bob Brown
Licensing Manager, Licensing Team
Hastings Borough Council
Aquila house
Breeds Place
Hastings
East Sussex.
TN34 3UY

5th August 2015

Dear Sir,

Objection to license application for London Convenience Store, 13 London Road, St Leonards-on-Sea

I am writing to formally lodge an objection to the application for a new convenience store and in particular to the application to sell alcohol for consumption off the premises at the above at 13 London Rd, St Leonards-on-Sea.

The location of these premises at the junction of Norman Road and London Road is already a hazard for a number of reasons without allowing further or expanded outlets for the sale of alcohol, and I object to this new application on the following grounds as outlined in the licensing objectives of The Licensing Act 2003:

*** PREVENTION OF CRIME AND DISORDER**

Current high levels of anti-social behavior in this location caused by people with alcohol and drug misuse issues - already the subject of regular calls to and interventions by local police officers, creating extra demand on their ever reducing resources - are only likely to increase if new or expanded licensed premises are allowed. There is already regular open street drug dealing here and from the nearby public phone box adjacent to the Oak Bakery in London Road and reported incidents of goods stolen to fund the purchase of alcohol or drugs being traded. Increasing the availability of alcohol in this location is highly likely to also increase associated crime and disorder.

PUBLIC SAFETY

The application should be declined on the grounds of public safety concerning the location of the subject premises on the corner junction of London Road with Norman Road. This particular corner of Central St Leonards is already a favoured meeting spot for local street drinkers and there have already been numerous near misses with drunk individuals crossing both roads into passing traffic, attracted to this location by a cluster of existing off-licensed premises in the immediate vicinity and the BedFred betting shop located on the other southern side of the same junction.

PREVENTION OF PUBLIC NUISANCE

The public nuisance caused by the activities of street drinkers and those with alcohol addiction issues is already out of hand in this location. Significant groups of people in a drunken state often lie across the pavement or congregate

and argue or fight on this corner, which makes this part of the street a 'no-go area' at times for other local residents and visitors on which other businesses and our local economy rely. The pavement outside the existing adjacent off-license is already dirty and full of rubbish, which creates an additional public health hazard.

PROTECTION OF CHILDREN FROM HARM

As far as possible, children should be shielded from exposure to and opportunities for drug and alcohol misuse, and the local area around these premises is home to an increasing number of families with young children. A further expansion of premises selling alcohol and cigarettes will increase the likelihood of children being exposed to such harm and for the possibility of under-age young adults obtaining alcohol. It will further discourage families with children who would help create a more stable and cohesive local community from moving into this area.

Although technically outside the scope of consideration by the Hastings Borough Council Licensing Team and Licensing Committee, there is an important moral and ethical aspect to allowing the increased availability of alcohol sold for commercial profit in this location, which will further exploit a highly vulnerable section of our local community who already experience complex health and addiction issues.

It is noticeable that the other two shops selling alcohol in this section of Norman Road have not signed up to the Hastings Borough Council 'Reduce the Strength' initiative of endeavouring to reduce the sale of cheap high alcohol products such as beer and it is probable that such a new shop will similarly ignore any such scheme.

Concurrently I urge Hastings Borough Council to take an overview, formulate and publish an updated policy statement for encouraged retail practice in the Central St Leonards area, as other councils in our region have done. For example, Brighton and Hove City Council refused an application to sell alcohol by Sainsburys supermarket at their then new shop at the junction of James Street and the Steine in Brighton city centre, so there is every opportunity for Hastings Borough Council to take the initiative of such a precedent being set.

Yours sincerely,



Clive Gross
11 Marine Court
St Leonards on Sea
TN38 0DX

cc: Chris Connelly, Chair, St Leonards Town Team

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit:
<http://www.star.net.uk>
