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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 where street drinkers congregate. Community groups, such as 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: _____

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.

[Handwritten signature] CH226

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

W1201403456 .

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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13/08/2014