

LICENSING SUB COMMITTEE

8 SEPTEMBER 2014

Present: Councillors Batsford, Charlesworth, Sabetian and Charman

1. APPOINTMENT OF CHAIR FOR THIS MEETING

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

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

2. APOLOGIES FOR ABSENCE

None.

3. DECLARATIONS OF INTEREST

Councillor Charlesworth declared a personal interest in that she had shopped at Yella Shop in the past.

4. MINUTES OF MEETING HELD ON 15 JULY 2014 (FOR INFORMATION)

RESOLVED – That the minutes of the meeting held on 15 July 2014 be approved and signed by the Chair as a true record.

5. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

6. APPLICATION FOR A PREMISES LICENCE: YELLA SHOP, 34 KINGS ROAD, ST LEONARDS ON SEA

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

The Corporate Director, Environmental Health, submitted a report on an application for a premises licence at Yella Shop, 34 Kings Road, St. Leonards on Sea.

Mr Brown, Licensing Manager, presented the report. Since the publication of the report, he informed the committee that an email of communication had taken place between Ms Debra Silvester, Licensing Services Agency, and Tony Masters, Licensing Officer, Sussex Police, regarding a number of revised conditions proposed

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by the applicant. Their email of communication, dated 27th August, was circulated to the committee to read.

Mr Savill, Barrister, for Sussex Police, made his submission on the grounds that the variation of the premises licence will not promote the licensing objectives, specifically the prevention of crime and disorder and the prevention of public nuisance. He commented that the applicant had failed to demonstrate in his operating schedule that there would not be any negative cumulative impact as the premises falls within the St. Leonards town centre saturation zone. Furthermore, the Police report the area is beset with problems and that another alcohol outlet cannot but contribute to the problem.

Councillor Sabetian asked Mr Savill if the negative cumulative impact referred to in the application, applied to the latest information received or whether it had been addressed in the operating schedule. Mr Savill confirmed that it was applicable to both and the subsequent amendment. He advised that all measures which address the running of the premises do not address cumulative impact in any way.

Mr Brown read the representations received in response to the application from local interested parties. They comment on the existing problems in the area and how this application would add to those issues. The representations were attached under Appendix C of the agenda.

Ms Debra Silvester, Agent for the applicant, was present. In her submission she said they had offered a number of conditions to further promote the licensing objectives. In regard to the running of the premises, she said the applicant will provide extensive/regular training which will be recorded; all staff will be familiar with Challenge 25 and the refusals register; posters will be displayed in the shop to promote this; alcoholic products will be limited to a maximum of 6.5% volume and will be sold from 8am to 11pm daily; all staff will be made aware of street drinkers. She added that Mr Thirukkumar had 7 years of experience having worked in Surrey and Croydon, he understands the cumulative impact and does not wish to cause further problems. He will join the shop Watch Scheme and St Leonards Town Team to work with local shopkeepers. She concluded that Mr Thirukkumar wished to be part of the community and stated that he will ensure the grant of a licence will not have a negative impact.

Councillor Sabetian asked Ms Silvester why there was no suggestion to include the extra conditions in the original application. Ms Silvester said she was not aware of the process for the cumulative impact zone and only became aware upon receipt of an email from the Police and objectors.

Councillor Charlesworth asked how many staff would be in the shop. Mr Thirukkumar said one member of staff would be present, but if the shop was busy a second member of staff would be present.

The Licensing Manager sought clarification on when they found out about the Saturation Policy. Ms Silvester said it was after the application had been submitted on 18th July 2014. She said she contacted the Police and decided to put more measures in place.

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Mr Brown asked Mr Thirukkumar how many times he visited the premises. Mr Thirukkumar confirmed that he had visited the premises three times. Mr Brown went on to ask him if he was proposing to be the Designated Premises Supervisor (DPS) and where he was issued his personal licence. Mr Thirukkumar confirmed his licence was issued by Rother District Council and that he had visited the premises three times. Ms Silvester added that Mr Thirukkumar had been living away in Surrey for the last 8 to 10 years.

Mr Savill said it had been of concern to the Police that this application was submitted without knowledge of the cumulative impact policy/zone. Although there will be internal management processes such as CCTV and training, the conditions offered by the applicant do not address their concerns for the cumulative impact zone. He stated that the cumulative impact is managing the customers behaviour out of the premises. The applicant had not addressed this at all.

In his summary, Mr Brown reiterated the fact that the application was for a premises located within one of the three saturation zones in the borough. A fact that had been identified by the police and the Council early in the application process.

In her summary, Ms Silvester stated that Mr Thirukkumar could do nothing about the cumulative impact, or influence how other shops were run. She went on to say that the applicant had put measures in place to work with the community and that Mr Thirukkumar will run the premises to the best of his ability.

RESOLVED (unanimously) that the application be REFUSED for the following reason:

The Applicant has not addressed the issue of Cumulative Impact within the Operating Schedule. He was not aware that the premises were within the saturation area when he made his application.

The suggested amendment to the application and the additional conditions fail to address that there would be no negative cumulative impact on the Licensing Objectives.

The Committee have had regard to their own Licensing Policy and the guidance issued by the Secretary of State in June 2014.

7. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 3.07 pm)

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