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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/

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

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 out 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.

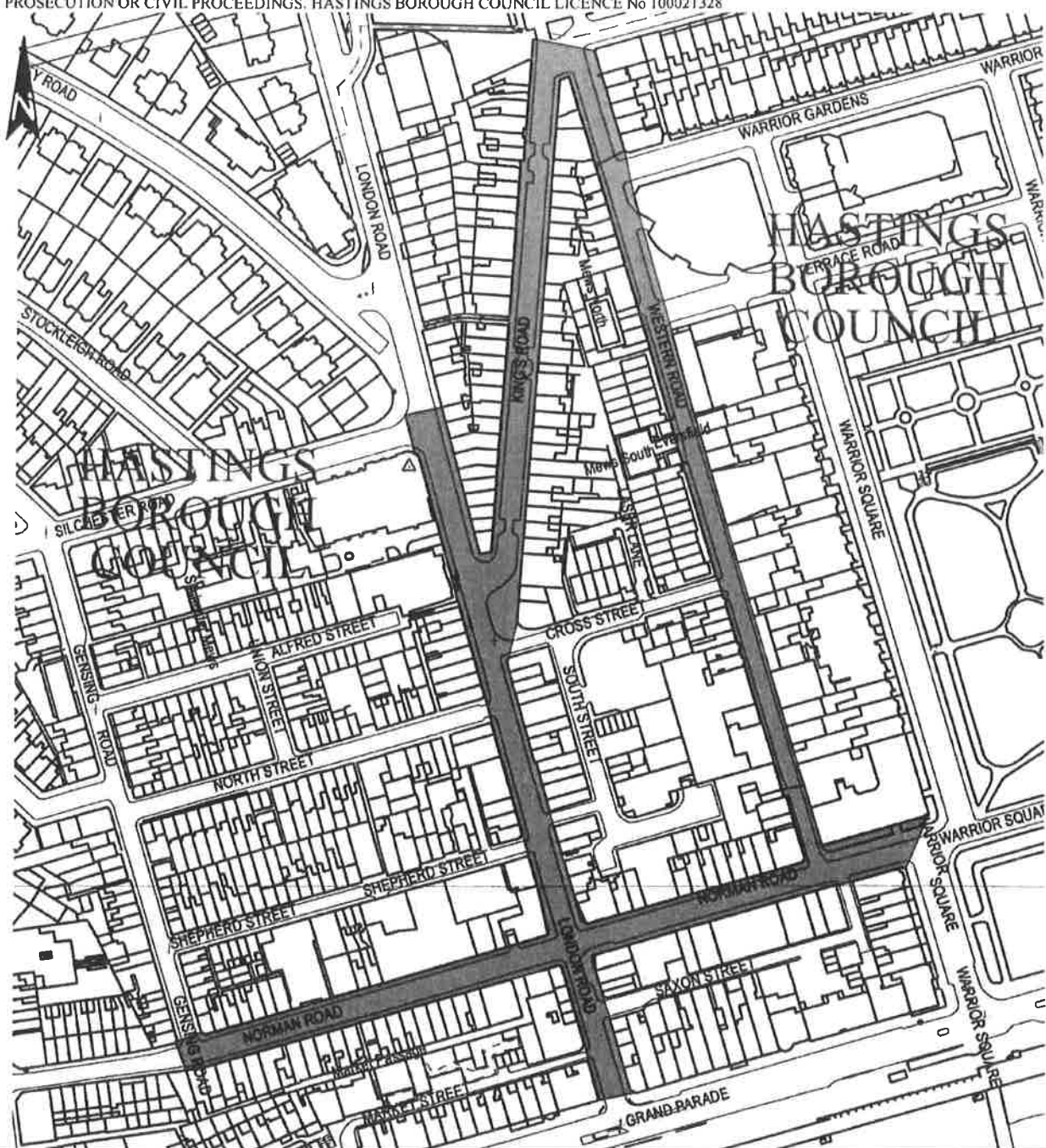
1. The police have quoted in full the sections of the Hastings Borough Council licensing policy and the governments guidance, regarding the saturation policy / cumulative impact requirements on new applicants for a premises licence. It is my opinion that the applicant has not referred to this aspect 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.



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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
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Date: July 2010

Scale: 1:2200

Area 3

