

Your Ref: Our Ref: ESX/LIC/DCI Date: 22nd March 2012
Contact Name: J. Irving Tel. Extension: 45268 Direct Dial No: 01273 404396

Dear Mr Brown

**SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR THE VARIATION
OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

Co-Operative 30-32 London Road St. Leonards on Sea , East Sussex, TN37 6AN.

Sussex Police wish to make representation against the grant of the application for the variation of a premises licence submitted by the Co-Operative Group Food Limited on the 29th February 2012, relating to the Co-Operative 30-32 London Road St. Leonards on Sea East Sussex. TN37 6AN. 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 premises have a premises licence for the following activities.

Supply of alcohol.

Monday to Saturday 08:00hrs - 23:00hrs.
Sunday 10:00hrs - 22:30hrs.
Good Friday 08:00hrs - 22:30hrs.
Christmas Day 12:00hrs - 15:00hrs and 19:00hrs - 22:30hrs.

The hours the premises are open to the public are:-

Monday to Saturday 07:00hrs - 22:00hrs.
Sunday 09:00hrs - 22:00hrs.

The above times show a discrepancy between the permitted times for the sale of alcohol and the times the premises are open to the public. Mr. Scrase, the Licensing Officer for Hastings Borough Council, has confirmed that the times specified on the premises licence are correct.

The application for variation of the premises licence, made under Section 34 of the Licensing Act 2003, seeks to vary the times for the supply of alcohol to the following:-

Monday to Sunday 06:00hrs - 23:00hrs (no seasonal or special event variations).

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

Monday to Sunday 06:00hrs - 23:00hrs (no seasonal or special event variations).

Mr. R. Brown
Licensing Manager
Environment and Safety Directorate
Aquila House
Breeds Place
Hastings
East Sussex.
TN34 3UY.

The concentration of licensed premises within a small area of the town causes problems of crime and disorder and public nuisance. 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. A further review took place in January 2011 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 October 2010 provides,

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises license, club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, 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".

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..... There will be a presumption against the grant of such licence or certificate unless the applicant 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.

Sussex Police is aware that the applicant has submitted a number of similar applications for variation of their premises licences in adjacent council areas which do not have a Special Saturation (Cumulative Impact) Policy. Within Section P of the applications, the steps to be taken by the applicant to promote the four licensing objectives are identical. This would appear to indicate that the applicant has failed to recognise the significance and importance of the Special Saturation (Cumulative Impact) Policy of which this variation is subject to.

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. If these premises are permitted to sell alcohol at 0600 hrs daily, the store will become extremely attractive to street drinkers who will attempt to buy alcohol there or try to persuade others to buy it for them, particularly as all other off-licences in central St. Leonards do not sell alcohol until after 0800 hrs.

Sussex Police contend that applying conditions to the premises licence will not address the problem and that the granting of this variation will undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

In view of this, Sussex Police invite the Licensing Authority to refuse the application.

Yours sincerely.

□□□

J. Irving
Licensing / Public Safety Manager
Sussex Police Headquarters
Lewes.