

**LICENSING SUB-COMMITTEE  
26 APRIL 2012**

Present: Councillors Bird, Forward and Vallery-Peters (in the Chair)

**8. APPOINTMENT OF CHAIR**

In accordance with the terms of reference of the Licensing Committee, the Senior Solicitor invited nominations for the appointment of Chair for the duration of the meeting. Councillor Bird moved that Councillor Vallery-Peters should take the Chair. This was seconded by Councillor Forward

**RESOLVED (unanimously) that Councillor Vallery-Peters be appointed as Chair for the duration of the meeting.**

**9. MINUTES**

**RESOLVED – That the minutes of the meeting held on 13 October 2011 be approved and signed by the Chair as a true record.**

**10. DECLARATIONS OF INTEREST**

Councillors made no declarations of interest at this meeting.

**11. APPLICATION TO VARY AN EXISTING PREMISES LICENCE: CO-OPERATIVE, LONDON ROAD, ST LEONARDS ON SEA**

Councillor Vallery-Peters set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), both the applicant and the interested party confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application to vary an existing premises licence at The Co-operative, London Road, St. Leonards on Sea, as a result of representations received.

Mr Brown, Licensing Manager, presented the report to the committee. The report referred to an application which sought to extend the licensed hours for the sale of alcohol and opening hours Monday to Sunday to 6am to 11pm.

Mr Masters and PS Maynard for Sussex Police were present. Their representation related to the licensing objectives of the prevention of crime and disorder; public safety and the prevention of public nuisance. PS Maynard stated that the application would undermine these objectives, and that the premises was situated in Area 3 of the Special Saturation (Cumulative Impact) Policy (SSP) which is contained within Hastings Borough Council's Liquor Licensing Policy. He referred to guidance issued by the Secretary of State on the Licensing Act 2003; "SSP policy states that the operating schedule must not provide any negative cumulative impact on one or more of the licensing objectives." Which, he added, the applicant had failed to

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demonstrate in their operating schedule and that application made no reference to the Special Saturation (Cumulative Impact) Policy. Specifically, there was nothing in the application or operating schedule that either rebuts the presumption of refusal contained within Section 1.11 of the Hastings Borough Council's Licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

Furthermore, he said there is a problem with street drinkers in St. Leonards, which the behaviour of these persons affects residents and local visitors to the town. If the premises were permitted to sell alcohol at 06:00hrs daily, the store will be an attraction to street drinkers. If they were refused entry to premises they will try to persuade others to buy it for them, particularly as all other off-licences in St. Leonards do not sell alcohol until after 08:00hrs. Other stores have the provision in place to deliver police resources at 08:00hrs if required.

He added that a number of similar applications were submitted by the Co-Operative in adjacent Council's which do not have a Special Saturation (Cumulative Impact) Policy, he said that it would appear the applicant had submitted a blanket coverage of applications and failed to recognise the significance and importance of the Special Saturation Policy.

With the agreement of the Chair and the applicant, Mr Masters circulated a witness statement for the Committee to consider from Sergeant Harmston, Neighbourhood based Police Sergeant from Hastings South, stating his objection to any application to extend the Co-Op licensing hours from 08:00hrs to an earlier time of 06:00hrs.

Mr Greg Casey, Environmental Health, was present, he raised concern regarding noise nuisance to local residents. He said that as a preventative measure, early morning deliveries should be restricted to the hours between 07:00hrs to 20:00hrs. Deliveries in this location starting at 06:00hrs would be too early, and finishing at 23:00hrs would be too late.

Mr Ian Reece Phillips, Barrister for the Co-Operative, stated that a number of blanket applications had been submitted on a standardised form to regularise staff hours across all stores, and to ensure deliveries and customers were not confused between store hours. He proposed that the application be formally amended; Sunday trading for the sale of alcohol be revised from 06:00hrs to 23:00hrs to the hours of 08:00hrs to 23:00hrs, consistent with weekday hours. The trading hours for the sale of alcohol weekdays, from Monday to Saturday remain as existing 08:00hrs to 23:00hrs. He advised that he had taken on board the fact that no other local small superstore in the locality was selling alcohol before 08:00hrs. The store opening hours, he advised, would remain as proposed; 06:00hrs to 23:00hrs Monday to Sunday.

In regard to the proposed amendments put forward by Mr Phillips, the Chair recommended a short adjournment that could lead to an agreement in the matters placed before the committee.

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Mr Reece advised that an agreement had not been met and he wished to pursue the proposed amendments to the licensed trading hours for the sale of alcohol; the store opening hours and delivery times as submitted in the application.

Members discussed alternative conditions to be added to the grant of the licence, if approved.

**RESOLVED (unanimously) that, the licence be refused subject to the following reason:**

**Having heard all the evidence the Sub-Committee are not satisfied that the applicant has demonstrated that the variation of the licence will have no negative accumulative impact on one or more of the licensing objectives. Particularly, prevention of crime and disorder and public nuisance.**

**Reason: In line with the Council's own policy and the guidance issued by the Secretary of State.**

(The Chair declared the meeting closed at 3:45pm)